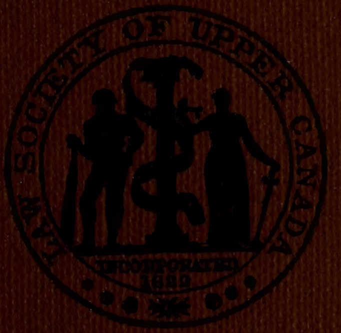
LAW SOCIETY OF UPPER CANADA
INCORPORATED
1822

LAW SOCIETY OF UPPER CANADA
GREAT LIBRARY OSGOODE HALL
130 QUEEN ST. W.
TORONTO, ONT., CAN. M5H 2N6

LAW SOCIETY OF UPPER CANADA
GRE [illegible] HALL
130 [illegible]
TORONTO ONT. CAN. M5H 2N6

THE PROPERTY OF
THE LAW SOCIETY

Digitized by the Internet Archive
in 2014

https://archive.org/details/meetingconvocation7476

LSUC Great Library
1 1797 00043595 6

MINUTES
OF THE
MEETING OF CONVOCATION

1974 - 1976

As published in the Ontario Reports

118434

c. 3

CARSWELL

MINUTES OF CONVOCATION

Friday, 18th January, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carthy, Cartwright, Cass, Chappell, Common, Cory, Evans, Fennell, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Krever, Maloney, MacKinnon, O'Brien, Pallett, Pattillo, Pepper, Rogers, Seagram, Shepherd, Thom, Trepanier, Wallace, White, Williston and R. F. Wilson.

The Minutes of Convocation of 16th November, 1973 and the Minutes of Special Convocation of 17th December, 1973 were read in Convocation and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 10th day of January, 1974, at 3:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carley, Carthy, Cass, Cory, Finlayson, Griffiths, Krever, Rogers, Sheard, Sopha and Thom.

The Chairman reported briefly on the meeting with the Committee on University Affairs which took place in Osgoode Hall on December 3rd, 1973, when the Society presented its application for a grant to support the Bar Admission Course.

Noted

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Articling

On the 2nd of November, the Benchers, in a Special Convocation, amended the "Conclusions and Recommendations" contained in the Report of the Sub-Committee on the Bar Admission Course and Articling (Alpha Sub-Committee) and the Conclusions and Recommendations as amended were adopted. In following this course of action, Convocation decided that the present articling system must be improved, and that it could be improved by taking the following steps:

"(a) The establishment of an office or department within the Bar Admission Course to assist students to obtain articling positions and to supervise and improve the operation of the articling system by all possible means.

(b) The establishment of minimum standards of training."

In order to implement this decision, the Director should be instructed to advertise the position of "Assistant Director — Bar Admission Course (Articling)". The person filling this position would be in charge of Articling on the same basis as Mrs. Knox, in her capacity as Assistant Director, is in charge of the Teaching Term of the Bar Admission Course, and Mr. Nimmo, as an Assistant Director, is in charge of the Department of Continuing Education. It is submitted that the position should require a lawyer qualified to practise in Ontario, having been called to the Bar for at least three years, and that the salary should be negotiable. The duties of the successful applicant would be to oversee the articling programme, to make field trips, to evaluate articling in the offices of the principals, to receive the reports of the principals and students, and to consider and make suggestions for the general improvement of the articling system. He will also develop a newsletter and make office visits to inform both principals and students of methods by which particular aspects of training might be handled, and negotiate exchanges between firms of ideas and suggestions for realizing the full existing training potential in the best possible manner. He would also act as a placement officer to assist students in finding suitable offices and principals in finding students.

Approved

Articling Term

Section 26 of the Regulation made under The Law Society Act, 1970 defines the articling term as part of the Bar Admission Course and as running for a period of twelve months beginning on the 1st day of September: Section 26 (4). A student proceeding directly from law school in the usual way may be admitted to the articling term upon graduation in a law course from a University in Canada which is approved by Convocation: Section 26 (5). According to the existing regulation, included in the documents he must file for admission as a student member is a certificate of graduation: Section 26(7)(a)(ii). Convocation, at its special meeting on the 2nd of November, approved a recommendation that "Service under articles must, for the present, continue to aggregate twelve months, but may be served at any time after obtaining the LL.B. degree".

Appropriate amendments should be made to Regulation 26 to have it conform to the change made by Convocation and the Director should have instructions on how to proceed in the meantime. It is the Director's understanding that the intent of the recommendation is to allow the student to enter articles immediately he has completed his final examinations and is free to spend full-time as a clerk in a law office. Some of the questions which should be considered when amending the regulation and when giving instructions to the Director are whether a student can be admitted into the articling term as soon as he has written his examinations but before knowing the results, subject to his passing the examinations; whether he can be admitted subject to obtaining a certificate of graduation; whether he can be admitted subject to successfully completing a supplemental examination required for graduation; whether the twelve months must be served within a limited period after graduation; and whether each period must be of a minimum length of continuous service to qualify as articling, or whether at least one of the periods counted in the aggregate total must be of a minimum length (e.g., three months).

It may be appropriate to refer these questions to the Sub-Committee on the Bar Admission Course and Articling (Alpha Sub-Committee) to make recommendations to your Committee in February, with your Committee in the meantime giving the Director such interim instructions as it sees fit with respect to the advice to be given to the law schools and to the individual applicants.

It was moved and seconded that students may be entered into the Bar Admission Course after completion of an approved LL.B. course and up to the end of the next following September subject to their establishing their successful graduation before they enter the teaching portion of the Course. This was *carried.*

Your Committee recommends that this be referred to the Legislation and Rules Committee for the necessary amendments.

Summary of Recent Federal and Ontario Legislation

This publication was printed by a commercial company and mailed to the profession on the 7th of December. As instructed by Convocation, each copy was accompanied by a questionnaire to determine whether publication should be continued on an annual basis, or abandoned. The questionnaire included the information that the annual cost to the Law Society was approximately $6,000. To the date of this report 2,157 members of the profession have completed and returned the questionnaire with 1,876 favouring continued publication against only 281 who voted for its abandonment.

On the basis of this response it is recommended that the Department of Continuing Education be instructed to prevail upon Mr. Cory to continue the compilation of this summary for distribution to the profession on a complimentary basis. It is also recommended that, although the printing and binding is of a different quality, we change to an in-plant production which will reduce the cost and, because of the simpler type composition and the control we have over our own production schedule, will also enable us to speed up delivery.

Approved

Blue Book on March Special Lecture Series

It is recommended that the arrangement whereby this publication is printed and distributed by Richard DeBoo Limited be continued for another year.

Approved

SPECIAL PETITIONS

Your Committee had two petitions before it. One petitioner who had been granted permission to defer for one year entering the teaching portion of the Bar Admission Course so that he could attend an LL.M. programme sought permission to defer his entry for an additional two years to permit him to continue his academic career in law. This petition was *approved.*

The other petitioner failed to obtain pass standing in the 13th Bar Admission Course. His petition for reversal of the decision of the Board of Review was denied but he was granted permission to repeat the teaching portion of the Bar Admission Course. He had to withdraw for medical reasons. He again petitions that the decision of the Board of Review be reversed or, in the alternative, that he be granted permission to re-enter the teaching term at a future date. Your Committee recommends that he be allowed to withdraw and to re-enter the teaching portion of the Bar Admission Course in September 1974.

ENQUIRY FROM CAYMAN ISLANDS

At its October 1973 meeting the Committee had before it a letter from Mr. W. S. Walker of Georgetown, Cayman Islands, enquiring whether students from the Islands might be allowed to audit the teaching term of the Bar Admission Course as part of their training for practice in the Islands. It was recommended that this matter be approved in principle but be tabled pending further information respecting Mr. Walker's position and the views of the other governing bodies in the West Indies as to why Cayman Islanders are refused entrance to the Bar Admission Course run by the Council of Legal Education of the West Indies. A letter from Mr. Walker, dated the 20th November 1973, is now before the Committee together with a publication entitled "Legal Education in the West Indies, 1963-1972", received from the Council of Legal Education in Jamaica.

Your Committee recommends that Mr. Walker be advised that at present three or four Caymanian students can be accommodated in the teaching portion of the Bar Admission Course upon the understanding that successful completion of the examinations does not qualify them to apply for admission to practise in Ontario.

PERIOD OF ARTICLES

In November 1973 Convocation concluded that students might begin service under articles immediately after obtaining the LL.B. degree without waiting until September. A number of students in fact began to serve in law offices as if under articles before September 1973 and now ask whether the beginning of their period of service can be dated from when they actually began to serve after obtaining their LL.B. degrees.

Your Committee recommends they be permitted to count the time they served after completion of their approved LL.B. courses in 1973 and before September 1973 provided their service is continuous but for one month holidays.

REPORT OF SUB-COMMITTEE (ALPHA) ON ARTICLING AND THE BAR ADMISSION COURSE

An "Interim Report on Student Appeals" was before the Committee. Sub-Committee Alpha consists of Messrs. Grange

(Chairman), Cory, Krever, Thom and MacDonald (Director Bar Admission Course). The Sub-Committee's Report on Student Appeals is as follows:

INTERIM REPORT ON STUDENT APPEALS

This sub-committee, which reported to the Special Convocation of November on the subject of articling, was charged also with the consideration of many problems in the Bar Admission Course and is attending to those problems now. The problem of the Bar Admission Course is, of course, a large and difficult one, and we are laying plans for the canvassing of opinions from others, which will probably take us well into the Spring before a report can be submitted.

In the meantime, however, the issue of student petitions arising out of the Bar Admission Course results of the 1973/74 year will be upon us by April, 1974, and we thought it appropriate to consider that problem, which is one that we believe can be resolved in isolation and is also a problem upon which we feel qualified to submit our proposals without outside consultation as it is essentially a problem for the Bench alone.

The problem has been before the Bench either in the annual reports of the Board of Review or in reports of the Legal Education Committee from time to time, but perhaps it might readily be summarized as follows:

1. The students submit to examinations at the conclusion of each individual course.
2. After each examination, the marks scored are considered by the Board of Review in a general way, and there may or may not be an adjustment across the board up or down for all the students.
3. At the end of the year, when all of the results are in, the Board of Review considers the individual candidates, with the following results:
    - (a) All those who have received at least 50% in all subjects pass.
    - (b) All those who have received at least 50% in all but one of the examinations pass.
    - (c) All those who have received less than 50 marks in two examinations and less than 60% average in all examinations, or have received less than 50 marks in three or more examinations fail.
    - (d) Even the failures may be passed on the basis of the reports of group instructors.

4. At no time in the above procedure does the Board of Review interview or hear representations from the student or consider any matter personal to him.
5. From the decision of the Board of Review, each failed student has a right to petition the Society, and this petition has come to be called an "appeal". This right is based upon a liberal interpretation of section 27(4) of the Law Society Act, which reads as follows:

   > "No application for admission to the Society shall be refused until the applicant has been given an opportunity to appear in person before a committee of Benchers."

6. The committee of Benchers who consider the appeals is the Legal Education Committee. A special meeting is called for the purpose.
7. The Legal Education Committee makes its decision and reports to Convocation. The Legal Education Committee has not in the past given reasons, and in the report of 1972 specifically dealt with the problem of reasons as follows:

   > "The Board of Review requested your Committee to give reasons for its decisions in disposing of the petitions. Your Committee considers that in coming to its conclusions it properly takes into consideration factors that play no part in the decisions made by the Board of Review, and nothing would be gained by giving reasons."

8. The report of the Legal Education Committee is considered by Convocation, and the student or his Counsel is given an opportunity to present the case, much as he had before the Legal Education Committee, although necessarily the presentation is briefer.

The sub-committee considered that the problems facing it were as follows:

1. Should appeals from the Board of Review be permitted at all?
2. If such appeals were permitted, should there be a further appeal to Convocation?
3. Should any appellate body be required to give reasons?

Dealing with these problems in order, we have reached the following conclusions:

1. *Right of Appeal*

   We believe that the right of appeal to the Legal Education Committee should be continued. We say this because the Board of Review's terms of reference are limited and because we believe the committee of Benchers is the body who should make the final decision as to whether a student who has otherwise failed his examinations should be permitted to practise.

   The Board of Review's consideration of the matter does not include anything personal to the candidate. They regard the marks obtained and to a lesser extent the reports of the group instructors only. They do not consider such matters as problems personal to the candidate and they do not see the candidate or hear any representation on his behalf. We believe that somewhere in the system such considerations and such representations must be entertained. As we will say later, we believe that there must inevitably be an element of discretion in the determination of these appeals, and we do not feel that discretion should be delegated to any one else or to any other body.

2. *Appeal to Convocation*

   We do not believe there is any necessity for or any merit in a further appeal to Convocation. The sub-committee is of the opinion that an appeal or review by Convocation is undesirable. The legislation does not contemplate a further hearing, and in practice such re-hearing has never availed the unsuccessful student. To make the matter clear we recommend that Convocation designate the Legal Education Committee as the committee of Benchers for the purpose with final authority.

3. *Reasons and Guidelines*

   The opinion was expressed within the sub-committee that reasons should be given, or at least encouraged, particularly in the case of a rejection of a student's petition. The Board of Review has also suggested that such reasons might be helpful to it. The majority of this sub-committee, however, was of the view that the decision of the 1972 committee referred to above was correct and that the rendering of reasons would be not only difficult but even deceptive. The Legal Education Committee considers the whole issue and reaches its conclusions in many instances subjectively upon the ground that the candidate, for all of many reasons, is entitled to practise law. Accordingly, the committee does not consider itself bound by any principles that guided another committee, or even that committee in another instance. Moreover, as different considerations apply, the reasons of the committee would be of little assistance to the Board of Review. In no proper sense is the committee hearing an appeal from the Board. Many of the decisions are on split votes and it would be difficult in any event to determine the deciding factor.

Of course, in light of section 17 of the Statutory Powers Procedure Act (requiring a tribunal to give reasons where requested by a party) reasons may have to be given if required by the petitioner. In such event the chairman of the committee or a member delegated by him should prepare the reasons, for delivery to the petitioner.

The sub-committee is, however, concerned by the fact that the student is represented, and naturally presents his case, in the most favourable light. The Director of the Bar Admission Course, who is present at the hearing but is not present when the decision is made, takes, quite properly, a relatively neutral position, advising the committee only of any extraordinary circumstances and answering questions that might be put to him with respect to some of the allegations made on behalf of the student. The sub-committee believes that the committee of Benchers hearing the petitions should always bear in mind that the student has failed the examinations and that it owes an obligation to the public and to the profession to ensure that no unqualified person is permitted to practise. We therefore believe that the burden should be upon the student to show why the committee's discretion should be exercised in his favour.

In summary, therefore, we recommend as follows:

1. Petitions by unsuccessful candidates to the Legal Education Committee should be permitted.
2. There should be no appeal or further consideration from the Legal Education Committee to Convocation. Convocation should designate the Legal Education Committee as the committee of Benchers to consider and determine finally all petitions from failure by students in the Bar Admission Course.
3. There should be no limitation upon the grounds affecting the decision of the Legal Education Committee, and there

should be no obligation upon or encouragement of the Legal Education Committee to give reasons for its decision, subject to the provisions of section 17 of the Statutory Powers Procedure Act in the event of a request for reasons by the petitioning student.

4. The student should be advised that the onus is upon the petitioner to show special circumstances justifying the Committee's exercise of its discretion in his favour.

It was moved and seconded in Committee that the Sub-Committee's Interim Report be approved.

Carried

THE REPORT WAS ADOPTED

MOTION — THE LAW SOCIETY ACT, SECTION 27 (4)

It was moved by Mr. McKinnon, seconded by Mr. Thom, that the Legal Education Committee be the Committee designated by Convocation under Section 27 (4) of The Law Society Act, 1970.

Carried

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 10th day of January, 1974, at 2:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Cartwright, Grange, Lochead, MacKinnon, Seagram, Sheard, Sopha and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Ten candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course under Regulation 26 (5) as of 1st September, 1973.

Approved

DIRECT TRANSFER

Your Committee had before it an Application from an Alberta solicitor for permission to proceed under Regulations 3 (1) and 4 (1) for direct transfer to practise in Ontario. The application was *approved.*

TRANSFERS FROM JURISDICTIONS OUTSIDE CANADA

Your Committee had before it four applications from solicitors from jurisdictions outside Canada, all of whom sought to proceed under Regulation 5.

It was moved and seconded in Committee that the Chairman appoint an External Credentials Sub-Committee to advise the Committee with relation to Section 5 of the Regulation.

Your Committee recommends that the four applications before it be referred to the Sub-Committee on External Credentials when appointed.

FULL-TIME MEMBERS OF THE FACULTY OF AN APPROVED LAW SCHOOL

The following member of an approved law faculty asks to be called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. A letter confirming the eligibility of the applicant has been received from the dean of the relevant law school.

William Herbert Angus: B.A. (University of Toronto 1952); LL.B. (University of Toronto 1956).

Approved

SPECIAL PETITIONS

Your Committee had before it for consideration three petitions for permission to enter the Bar Admission Course. All three petitioners had received their LL.B. degrees some time ago and all three presented résumés of their activities since doing so. One petitioner sought permission to vary the articling period of the Bar Admission Course to allow him to enter the teaching portion of the Course after serving only three months under articles. Your Committee recommends that this petition be *refused.* The other two petitions were *approved.*

OCCASIONAL APPEARANCE

A. Webster Macdonald, Sr., Calgary, Alberta, applies to proceed under the Admissions Committee's Regulation 10 governing "Occasional Appearances in Ontario"' of lawyers from other Provinces. Mr. Macdonald is a member of the British Columbia Law Society and the Nova Scotia Barristers Society. He has been retained to represent the defendant in an appeal in the Ontario Court of Appeal in February.

Approved

COMMONWEALTH EXAMINATIONS

Two candidates were approved by the Committee to proceed. One sat the required examination under Regulation 4 (2) at Osgoode Hall and the other sat the required examination under Regulation 5 in Kenya. Both passed.

REPORT OF THE EXAMINING BOARD

The report of the examination held in January 1974 is before the Committee. One candidate sat the examination and failed.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE

Re: HENRY RORERT SHEPPARD, Kingston

Messrs. Cass, Common, Cooper, Evans, H. E. Harris, Krever, Maloney, Rogers, Trepanier and White were not present, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended with his counsel, Mr. John M. Banfill. Mr. E. A. DuVernet, Q.C., appeared for the Society. Mr. Banfill made no submissions with respect to the Decision of the Committee.

The solicitor, both counsel and the reporter retired.

Convocation read the Decision of the Committee at the hearing. The Committee found the solicitor guilty of professional misconduct in that he filed with the Society a false report respecting his professional accounts, failed to maintain sufficient monies in his trust bank account to meet his obligations to clients, and obtained monies from clients for an investment in which he had a personal interest without his clients having independent advice.

It was moved and seconded that the Decision of the Discipline Committee dated the 9th day of November, 1973, wherein Henry Robert Sheppard was found guilty of professional misconduct be accepted. This was *carried.*

It was moved and seconded that Convocation by Order reprimand Henry Robert Sheppard in Convocation and that he be required to pay the expenses of the Society's investigation of his professional affairs and of the hearing.

It was further moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned. They were advised that Convocation had adopted the Decision of the Committee and informed of the motions before Convocation respecting penalty.

With respect to the motion as to disbarment, Mr. Banfill asked that the matter be referred back to the Committee so that character evidence could be tendered. With respect to the motion as to reprimand and payment of the expenses of the Society's investigation and the hearing, Mr. Banfill made no submissions respecting the penalty of reprimand but asked that the solicitor be required to pay only two thirds of the Society's expenses (that is to say, $5,000) and that he be given two or three years to pay them. He also asked that the co-signing requirements respecting the solicitor's trust account be ended.

The solicitor, both counsel and the reporter retired.

The motion as to disbarment was *withdrawn* with the consent of the seconder.

The solicitor, both counsel and the reporter returned and were advised that the motion to disbar had been withdrawn. The solicitor was asked if he would give his undertaking (i) to submit quarterly audited statements of his professional affairs; (ii) to continue the co-signing of his trust account cheques for two years; and (iii) to advise the clients referred to in the Decision to seek independent legal advice. The solicitor gave his undertaking. The solicitor, counsel and the reporter retired.

It was moved and seconded that the expenses be fixed at $5,000. This was *lost.*

The motion that the solicitor be reprimanded and required to pay the expenses of the Society's investigation was *carried.*

The expenses were fixed at $7,173.82.

The solicitor, counsel and the reporter returned and were advised that the motion as to reprimand and payment of expenses had been carried. The solicitor was advised of his right to appeal under Section 44 of The Law Society Act, 1970. The solicitor waived his right of appeal and requested that the penalty of reprimand be carried out forthwith.

The solicitor was reprimanded by the Treasurer.

CANADIAN NATIONAL EXHIBITION ASSOCIATION

It was moved by Mr. MacKinnon, seconded by Mr. Gray, that Mr. William B. Common, Q.C., be appointed the Society's representative to the Canadian National Exhibition Association for the current year.

Carried

ORDER

Re: IAN DUNCAN MORRISON, CHATHAM

The Secretary presented the following Order to be recorded in the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF Ian Duncan Morrison of Chatham, a Barrister and Solicitor, (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated 2nd November, 1973, in the presence of the Solicitor, his Counsel and Counsel for the Society, wherein the Solicitor was found guilty of conduct unbecoming a barrister and solicitor and having heard such additional evidence as was adduced, and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said IAN DUNCAN MORRISON be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 16th day of November, 1973.

(SEAL — The Law Society of
Upper Canada)

"Sydney L. Robins"
Treasurer

"Kenneth Jarvis"
Secretary

Filed

COMPENSATION FUND SUMMARIES—Mr. Beament

COMPENSATION FUND

For the period 1st September, 1973 to 30th November, 1973

	Month of Nov. 1973	*3 months ending 30th November, 1973*		
Balance on Hand, 31st Aug., 1973				$1,689,107.51
Less: Allowance for Market Value Comp. Investments (Yr. end entry)				9,625.00
	$	$	$	$1,679,482.51

Receipts				
Fees	$ 39,000.00	$	$ 39,120.00	
Investment Income				
Government of Canada		16,750.00		
Guaranteed Deposit Interest	5,178.37	19,044.11		
Bank Interest		7.24	35,801.35	
Recoveries				
M. Godo	100.00	$ 500.00		
G. R. Frame		8,313.60		
S. Resnick		77.82	8,891.42	83,812.77
	$ 44,278.37			$1,763,295.28
Disbursements				
Grants				
— S. Caplan		$456,144.43		
— A. Blotti	108,935.60	108,935.60	$565,080.03	
Bank Charges			11.60	
Administration	5,000.00		5,000.00	570,091.63
	($ 69,657.23)	Trust Bal. 30/11/73		$1,193,203.60

Résumé of Gross Claims Outstanding

Claims received and not processed as of 31st October, 1973		$1,229,418.39
Received during month of November — Caplan		500.00
		$1,229,918.39
Dismissed, Withdrawn or Written Off during month of November	$	
Settled by payment in whole or in part	108,935.60	108,935.60
**Claims received and in the course of being processed as of 30 Nov. 1973*		$1,120,982.79

*Blotti — $186,057.02
Harris — 519,749.90
$705,806.92

Total paid to 30th November, 1973 on account of 888 claims of 87 former solicitors	$3,161,359.59

THE SUMMARY WAS RECEIVED

Compensation Fund

For the period 1st September, 1973 to 31st December, 1973

	Month of Dec. 1973	*4 months ending 31st December, 1973*	
Balance on Hand, 31st Aug., 1973			$1,679,482.51
Receipts			
Fees	$149,190.00	$188,310.00	

Investment Income				
Gov. of Canada		$ 16,750.00		
Guaranteed Deposit Interest	4,191.90	23,236.01		
Bank Interest		7.24	39,993.25	
Recoveries				
M. Godo	100.00	600.00		
G. R. Frame		8,313.60		
S. Resnick		77.82	8,991.42	237,294.67
	$153,481.90			$1,916,777.18
Disbursements				
Grants				
— S. Caplan	9,000.00	$465,144.43		
— A. Blotti		108,935.60	$574,080.03	
Bank Charges			11.60	
Administration Expense			5,000.00	
Annual Fee Refund	90.00		90.00	
Counsel Fees, Reporters, etc.	3,553.62		3,553.62	582,735.25
	$140,838.28	Trust Bal. 31/12/73		$1,334,041.93

Résumé of Gross Claims Outstanding

Claims received and not processed as of 30th Nov., 1973		$1,120,982.79
Received during month of December		—
		$1,120,982.79
Dismissed, Withdrawn or Written Off during month of December	$ 2,707.25	
Settled by payment in whole or in part	9,000.00	11,707.26
**Claims received and in the course of being processed as of 31st Dec. 1973*		$1,109,275.53

*Blotti — $186,057.02
Harris — 519,749.90

$705,806.92

Total paid to 31st December, 1973 on account of 889 claims of 87 former solicitors	$3,170,359.59

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Monday, the 17th day of December, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Borins, Cass, Chadwick, Cory, Fairbairn, Ferrier, FitzGerald, Grange, Griffiths, Harris, Lochead, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of October, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 7 months ended October 31st, 1973.

(b) The Controller submitted, on behalf of the Director, recommendations for writing-off balances owing by contributing clients pursuant to Section 98 (2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of balances owing by contributing clients in the amount of $6,232.90.

(c) The Controller submitted, on behalf of the Director, recommendations for writing-off client recoveries pursuant to Section 98 (2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of client recoveries in the amount of $11,394.01.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of November, 1973.

(b) The Legal Accounts Officer submitted a report for the month of November, 1973 with respect to reviews and appeals.

REPRESENTATION IN PROVINCIAL COURTS, FAMILY DIVISION

Your Committee considered correspondence from Miss Betty C. Graham, Director of Child Welfare, Province of Ontario, criticizing the presence of counsel in wardship matters.

The Director was instructed to write Chief Judge Andrews, forwarding him a copy of Miss Graham's letter and suggesting that he obtain the views of the Judges of the Family Court. The Committee also requested the Director to invite the Chief Judge to meet with members of the Legal Aid Committee who are active in Family Court matters.

PART VII OF THE REGULATION, PAYMENT OF COSTS

In May, 1973 the Committee refused the application of Henry M. Lang, Q.C., on behalf of his client, Basil M.

McFarland (Tots & Teens, Sault Ste. Marie) for payment of the taxed costs of $791.25 awarded against a legally aided client, Henry Sauve, taking into consideration the criteria approved by the Committee.

Henry M. Lang, Q.C., brought a motion in Divisional Court for a judicial review of the decision arrived at by the Committee in refusing payment of the taxed costs. The matter was heard on November 23rd, 1973 and the decision of the Committee was upheld.

DECISION OF MASTER MCBRIDE

Re: Andrew Stabins, Solicitor v. Director, Legal Aid Plan

On November 14th, 1973, Master McBride delivered a decision which directed that the amended tariff will affect all work done by a solicitor subsequent to September 1st, 1973 pursuant to a certificate issued prior to such date.

The Attorney General had indicated that the new tariff was to be effective only in regard to certificates issued subsequent to September 1st, 1973.

This latter policy was enunciated in the preamble of the Ontario Reports dated September 21st, 1973 but did not form part of the amendments to the tariffs as published in the Ontario Gazette.

Counsel for the Law Society appealed the decision of Master McBride. The appeal was heard by Mr. Justice Houlden. Mr. Justice Houlden upheld Master McBride's decision to the effect that the amended tariff will apply for all work done by a solicitor subsequent to the date the amendment came into force pursuant to a certificate issued prior to that date.

The Treasurer and the Chairman of the Legal Aid Committee have discussed Mr. Justice Houlden's decision with the Attorney General.

HAMILTON PILOT PROJECT

At the November meeting, L. S. Fairbairn submitted a final report on the Hamilton Pilot Project.

Before the clinic concept is expanded throughout the Province, legislative changes are required to the Act and Regulation. Your Committee recommended that where a clinic is already located it should continue and that any necessary amendments to the legislation should be considered without delay.

The Committee referred Mr. Fairbairn's report to the Sub-Committee on Community Legal Services.

THE REPORT WAS ADOPTED

Mr. Bowlby, Chairman, presented the Report of the Legal Aid Committee for its meeting of 9th January, 1974:

Your Committee met on Wednesday, the 9th day of January, 1974, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Barnes, Cory, Fairbairn, Ferrier, Finlayson, FitzGerald, Grange, Harris, Lochead, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of November, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 8 months ended November 30th, 1973.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report for the month of December, 1973 on the activity of the Legal Accounts Department.

(b) The Legal Accounts Officer submitted a report for the month of December, 1973 with respect to reviews and appeals.

SPECIAL INQUIRIES AT THE AIRPORT

The Committee considered correspondence from Paul D. Copeland, Solicitor, recommending that legal advice be provided to visitors detained for inquiry on the grounds that they are members of prohibited classes of persons described in Section 5 (P) of the Immigration Act, as not being *bona fide* non-immigrants.

After an in-depth review, your committee was of the view that duty counsel should not be made available to provide such a service.

FINANCIAL APPEALS TO AREA COMMITTEE

Section 16 (10) of the Legal Aid Act reads:

> "(10) An appeal lies to the area committee from the refusal of the area director to issue a certificate

> or from a cancellation of a certificate and a further appeal lies to the Director at the instance of the area director from the decision of the area committee allowing an appeal under this subsection."

The Committee considered correspondence from the Carleton County Area Director wherein he expressed concern with respect to the time-consuming procedure involved in an Area Committee reviewing appeals where it is alleged that the applicant does not qualify financially for Legal Aid.

In view of the importance of this matter, your Committee recommended that the Chairman strike a sub-committee to consider the responsibilities of an Area Committee.

DUTY COUNSEL CLINICS — YORK COUNTY

Re: York-Finch General Hospital

John B. Allen, Q.C., Assistant Provincial Director, informed the Committee that Barry B. Swadron, Solicitor, is operating a summary advice clinic at the York-Finch General Hospital.

Mr. Swadron requested that the said clinic be approved as a duty counsel clinic under the jurisdiction of the Plan.

Your Committee reviewed the function of the 13 duty counsel clinics throughout Metro Toronto wherein summary legal advice is given. After careful consideration, your Committee recommended that the York-Finch General Hospital clinic be approved on a *pro tem.* basis. The Director was instructed to advise Mr. Swadron that the York-Finch project was being considered by the Professional Conduct Committee; that such a project must be staffed with rotating duty counsel and that such duty counsel would, of course, be bound by the provisions of Sections 71 and 72 of the Regulation which read as follows:

> "71. Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to Section 72, unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel.
>
> 72. In any area or any part of an area not exempted for the purpose of Section 71, where a duty counsel certifies in writing in Form 16 to the area director that a prior solicitor and client relationship existed

> between a person and himself or anyone associated with him in the practice of law, he or anyone so associated with him may act subsequently for such person if so required."

STUDENTS ACTING AS DUTY COUNSEL

The Director informed the Committee that accounts are now being received in the provincial office from law firms with the notation that a student was sent to the Court to ensure that an accused was represented on his first appearance. In Grey County and some other counties, there have been several instances of the use of students as duty counsel, the reason being given that due to a limited Bar it is not always possible to have a lawyer at the court.

Your Committee instructed the Director that the legislation does not allow students to act as duty counsel and that any account received from a firm setting out that a student had acted as duty counsel must be disallowed.

TASK FORCE APPOINTED TO REVIEW THE OPERATION OF THE ONTARIO LEGAL AID PLAN

Your Committee reviewed correspondence from Ian G. Scott, Counsel for the Task Force, enclosing a copy of an Order-in-Council approved by His Honour the Lieutenant Governor, dated the 19th day of December, 1973.

LIMITATION OF CERTIFICATES
(75 criminal)

At its November, 1971 meeting the Committee re-reviewed the policy of limiting the number of certificates a lawyer can accept (75 criminal certificates per legal aid fiscal year). The Committee recommended, and Convocation approved, the following:

a) that the policy of limiting the number of criminal certificates to 75 which a solicitor may accept in a legal aid fiscal year be continued,

b) that the Director be given discretion to waive the limitation and permit an increase to 125, subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee, if the Director refuses the request,

c) that any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

E. J. McGrath, Solicitor, London, applied for an increase in excess of 125 certificates for the fiscal year April 1st, 1973-March 31st, 1974. The Area Director recommended that the increase be granted.

Mr. McGrath appeared before the Committee.

Your Committee recommends that the solicitor be permitted an increase to 175 certificates.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Frontenac County

Bogart W. Trumpour, Q.C.
Donald B. Good, Solicitor
Rev. Max V. Putnam
Jack Donovan, Manager, Victoria & Grey

Temiskaming District

R. D. McChesney, C.L.U.
Milton J. Evans, Retired Principal
C. E. Blackwell
J. R. MacFarlane, Probation Officer
Lorne Prentiss

THE REPORT WAS ADOPTED

Mr. Bowlby, Chairman presented the Report of the Legal Aid Committee for its meeting of 12th January, 1974:

Your Committee met on Saturday, the 12th day of January, 1974, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Carley, Cory, Fairbairn and Ferrier.

W. R. Donkin, Q.C., Area Director, York County, and senior members of the provincial staff attended the meeting.

TASK FORCE APPOINTED TO REVIEW THE ONTARIO LEGAL AID PLAN

The Provincial Director was advised by Ian G. Scott, Counsel for the Task Force, that the Task Force wishes to be briefed on the operation of the Plan by its administrators. This briefing will take place on Wednesday, January 23rd, 1974.

The Chairman of the Legal Aid Committee requested the Director to prepare an agenda for a proposed meeting with the Task Force on Thursday, January 24th, 1974. The purpose of the meeting is to inform the Task Force of the activities of the Legal Aid Committee. The agenda for the meeting will include items such as pilot projects initiated by the Committee, matters still under consideration and Committee recommendations which are presently being implemented.

At its Saturday meeting the Committee reviewed a draft agenda for the January 24th meeting. The agenda will include the following items:

a) Legal Advice and Assistance Programmes
b) The Hamilton Pilot Project
c) Delivery of Legal Services in Northern Ontario
d) Decentralization of York County
e) Group Applications
f) Collection Procedures — Client Contributions — Costs Awarded
g) Non-Disclosure of Information
h) Area Committees
i) Legal Aid Tariffs
j) Selection of a Lawyer by a Legal Aid Client
k) Advertising — Public Relations
l) Part VII of the Regulation — Payment of Costs
m) Working Relationship between the Law Society and the Provincial Government
n) Regionalization

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 10th day of January, 1974, at 9:30 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans (Vice-Chairman in the Chair) and Messrs. Cartwright, Cory, Fennell, Goodman, Grange, Griffiths, Krever, Lochead, MacKinnon, Pallett, Rogers, Seagram, Strauss, Thom and Wallace.

1. PEOPLE AND LAW

Your Committee having considered the report of the Sub-Committee on People and Law recommends its adoption. A copy is attached to this report (p. xxiv).

2. CLINICAL TRAINING PROGRAM — UNIVERSITY OF WESTERN ONTARIO

A letter from Mr. A. W. Bryant, Assistant Professor, Faculty of Law, The University of Western Ontario, dated November 20, 1973, together with a copy of the report referred to therein was considered. The Secretary was instructed to advise Mr. Bryant that the program as he has described it meets with the Society's approval.

3. *An Ottawa lawyer* asked your Committee what the Society's position is on law offices offering *Chargex* to clients as a means of paying accounts for professional services and disbursements. The Secretary was instructed to advise that the Committee felt that this would be unprofessional and therefore objectionable.

The following is the report referred to in item 1 above:

REPORT OF THE SUB-COMMITTEE OF THE PROFESSIONAL CONDUCT COMMITTEE ON THE SUBJECT: "PEOPLE AND LAW"

1. At the regulation June, 1973 meeting of the Professional Conduct Committee the agenda included consideration of a letter dated March 27, 1973 to the Society from the Deputy Director of Legal Services, Companies Division, Ministry of Consumer and Commercial Relations, enclosing for the Society's comments an application for incorporation of "People and Law", the application having been forwarded to the Ministry by Messrs. Thomson, Rogers. The Committee also had before it a substantial brochure entitled "People and Law — Proposal and appendices 1973", which brochure contained, *inter alia*, a summary of the organization and functioning of the Kensington Legal Advisory Committee and its storefront law office as had been operated and funded by Messrs. Thomson, Rogers.

2. The matter was referred to a sub-committee made up of Messrs. Lochead as Chairman, Strauss and Griffiths. This sub-committee considered the said brochure and application for incorporation and letters and opinions from others knowledgeable in the field. The sub-committee submitted an interim report to the regular October meeting of the Committee in result whereof the problem was referred back to the sub-committee for further inquiry and consideration.

3. Such further inquiry has now been made of two other subcommittees considering cognate problems, representatives of

the Ontario Legal Aid Plan and the Faculty of Social Work of the University of Toronto which had placed students for field work in the Kensington project. Your sub-committee has given careful re-consideration to the objects of the proposed corporation as stated in the application.

4. Your sub-committee finds that such objects fall within the following four categories:

(a) Those which appeared to be based upon prospective law reform and research;

(b) Those which seemed to be related to legal education;

(c) One object which provided for an investment programme of such funds as might come into the possession of the corporation; and

(d) Certain objects which did appear to involve the practice of law.

5. Of these categories of objects of incorporation we recommend that the Committee report to Convocation as follows:

(a) That those under categories (a), (b) and (c) are unobjectionable as far as the Society is concerned; but

(b) Those which fall under category (d) are objectionable to the Society. In particular in this respect we have reference to the following three stated objects:

> "(a) To inform the residents of Toronto of their legal rights and obligations and of the legal issues that may involve them through the news media and any other media available;
>
> (e) To retain legal counsel, to hire staff, to make representations to any authority, federal, provincial, municipal, local or otherwise to make agreements with any such authority that may seem condusive (*sic*) to the Corporation's objectives or any of them, and to carry out and comply with any such agreements or arrangements;
>
> (f) To ensure the low income people in the Toronto community are able to obtain legal services for their problems as the case may be;"

Your sub-committee was not only of the opinion that carrying out the foregoing objects will or might involve the practice of law but your sub-committee also had in mind the following:

(a) Possible interference with the purposes and objects of the Ontario Legal Aid Plan; and

(b) That there was a conflict between the proposed application at least in part for the practice of law and the fact that the proposed statute permitting incorporation for such purpose remains in the committee stage.

6. In summary, therefore, your sub-committee recommends that the Secretary be instructed to reply to the Deputy Director's invitation for comments by way of objecting to the incorporation of "People and Law" for the objects presently stated in the application.

It was moved by Mr. Cory, seconded by Mr. Borins that the first paragraph of the Report (People and Law) be deleted. This was *lost.*

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

—H. E. Harris

Mr. Cartwright was not present, took no part in the discussion and did not vote.

Your Committee met on Thursday, the 10th day of January, 1974, the following members being present: Messrs. H. E. Harris (Chairman), C. J. Seagram (Vice-Chairman), Borins, Carley, Grange, Wallace and Zahoruk, and Miss A. R. McCormick. Messrs. F. J. L. Evans and Krever attended by invitation.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to December 31, 1973, were *approved.*

KODAK MICRO-FILE MRB CAMERA

The Chief Librarian reported that the above camera is now in operating condition.

GREAT LIBRARY — REORGANIZATION

The Chief Librarian reported that a letter had been received from J. T. Weir, Q.C., concerning the arrangement of materials and the organization of services in the Great Library. The Chief Librarian also submitted a report on the items raised by Mr. Weir. This matter was referred to the February meeting of the Committee in order to give the members a chance to inspect the arrangements of materials and the organization of services.

GREAT LIBRARY

The Chief Librarian reported on Mr. Justice Arnup's conversation with Mr. Jarvis concerning the use by the Society of the rooms on the main floor previously used by the Registrar of the Supreme Court. The Committee recommends that the Chief Librarian continue to use these rooms for Library purposes.

REPORTING

CRIMINAL APPEAL RULES PART II

The Secretary submitted a letter from Mr. Justice Arnup concerning the printing of Part II of the Criminal Appeal Rules. The Committee recommends that Part II of the Criminal Appeal Rules be published in the Ontario Reports.

PRECIS DECISIONS OF RULES COMMITTEE

The Secretary submitted a letter from Mr. H. R. Poultney, Q.C., Secretary of the Rules Committee, concerning the précis of the decisions of the Rules Committee being printed four times a year in the Ontario Reports at the Society's expense. The Committee recommends that the précis of the Rules Committee's decisions be published four times a year in the Ontario Reports.

PRINTING ERROR IN ONTARIO REPORTS

The Secretary reported that the printing error in the Divisional Court Judgment in *Re Windsor-Essex* had been rectified in the December 7, 1973, issue of the Ontario Reports Part 46. The Committee recommends that, subject to the Finance Committee's approval, the Society pay up to $650 of the total cost of printing the 33-page supplement.

Approved

ACCOUNTS

The Committee recommends that three accounts for legal services received from its Counsel be paid.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 10th day of January, 1974, the following members being present: Mr. Strauss (Chairman), Messrs. Cass, Fennell, Pallett, Sopha, Trepanier and Zahoruk.

The Committee considered two matters which had been referred to it by Judges after divorce cases were heard.

The trial of an individual for several offences under Section 50 of The Law Society Act was completed. When a judgment has been handed down, the result will be reported.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—(Mr. Henderson)

Your Committee met on Thursday, January 10th, 1974, the following members being present: Mr. Carley, Chairman, and Messrs. Krever, Lochead and Wallace.

CANADIAN BAR ASSOCIATION — NATIONAL PUBLIC RELATIONS PROGRAM

The Report of Carleton Cowan Limited, the public relations company which has been engaged by the Canadian Bar Association, was circulated to all members of the Committee for their consideration. The Committee is asked to consider whether the Society should continue to support the Public Relations programme of the C.B.A. by a grant of $4,000 for 1974.

Your Committee recommends that the Society continue to support the national public relations programme of the Canadian Bar Association by a grant of $4,000 for 1974.

DIRECTING INQUIRIES FROM THE PUBLIC

Some members of the public have received apparently conflicting advice in answer to telephone inquiries made variously to the Law Society, the County of York Law Association and the Canadian Bar Association. Often the confusion has resulted from the way in which the question has been worded. For example, a member of the public has telephoned the Law Society to inquire if there is a tariff in Toronto and has been directed to the County of York Law Association. On telephoning there, their question has been reworded to begin with the statement that they wished to complain against their lawyer and they have been redirected back to the Law Society.

This problem, of which the above is only one example, has been discussed with representatives of the County of York Law Association and others and the following solution is being tried. An experienced member of the Society's staff, Mrs. Mary Main, has been designated to answer all inquiries which come to the Society or to refer them to the appropriate person within the Society or to direct them to the proper organization outside the Society. The County of York Law Association and the Canadian Bar Association will advise the Society of the types of questions which they are prepared to answer and which they believe ought to be referred to them. Henceforth inquiries that are made to them, which they are not prepared to answer, will be referred to the Society and either answered by Mrs. Main or directed by her to the proper person within the Society.

The County of York Law Association suggested that some public advertisement of this new arrangement should be made. This has not been done and in the Secretary's view is unnecessary at the present time.

It is hoped that these new arrangements will eliminate a source of confusion to the public and improve the profession's public relations.

Approved

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 12:50 P.M.

Mr. Colin E. Bennett, Q.C., was the guest of the Treasurer and Benchers at luncheon. Mr. Bennett retired as Chief Judge of the County and District Courts of Ontario on 31st December, 1973.

Read in Convocation and confirmed this 15th day of February, 1974.

SYDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 15th February, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Bowlby, Carthy, Cartwright, Cass, Chappell, Evans, Fennell, Finlayson, Goodman, Gray, H. E. Harris, Krever, Lochead, Maloney, MacKinnon, O'Brien, Pattillo, Pepper, Rogers, Seagram, Sheard, Shepherd, Sopha, Strauss, Thom, Trepanier, White and Zahoruk.

The Minutes of Convocation of 18th January, 1974 were read in Convocation and confirmed.

LAW FOUNDATION OF ONTARIO — APPOINTMENT OF TRUSTEES BY TREASURER

On 16th November, 1973, Convocation authorized the Treasurer to appoint three trustees, one of which is to be himself, to the Law Foundation of Ontario, such appointments to be ratified and confirmed at the next following Convocation. The Treasurer named Messrs. Howland and O'Brien to be Trustees.

It was moved by Mr. Thom, seconded by Mr. Fennell, that the appointment of Mr. Sydney L. Robins, Q.C., Mr. W. G. C. Howland, Q.C., and Mr. Brendan O'Brien, Q.C., to be Trustees of the Law Foundation of Ontario be ratified and confirmed.

Carried

HONORARY DEGREE

It was moved by Mr. Gray, seconded by Mr. Pattillo, that the Degree of Doctor of Laws honoris causa be conferred upon The Right Honourable Roland Michener, P.C., Q.C., former Governor General of Canada, and that he be invited to address the graduating class at the Call to the Bar Ceremony on 22nd March, 1974.

Carried

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 7th day of February, 1974, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Borins, Cass, Henderson, Krever, Rogers and White.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Liaison with Law School Faculty Members

On the 22nd of January, at a meeting of the Sub-Committee (Alpha) on the Bar Admission Course and Articling attended by some of the heads of sections, it was recommended that the Bar Admission Course invite faculty members of the Ontario law schools to meet with the appropriate head of section and his instructors. The purpose of the meeting would be to discuss the content of the section in order to achieve a better understanding of what is, and what should be taught at the Bar Admission Course level.

It is recommended that, subject to the approval of the Finance Committee, the Bar Admission Course arrange such meetings at Osgoode Hall, at the expense of the Law Society for each of the sections where the section head approves or consents.

Approved

Principals' Relationship to Articling Students

Two cases have come to our attention where the principal has dismissed his student from his office, and in each case at the time of writing, the permissible holiday period of one month has expired without the student locating a new position. Neither student will be in a position to comply with the twelve-month provision this year and an exception will be required to be made in each case to allow the student to enter the teaching term in September. Requests for exceptional treatment are not yet before your Committee, but the cases raise the general question of the circumstances under which a principal is entitled to terminate the articling relationship, and the Director should have advice from your Committee on how similar situations should be handled in the future at the initial stages. Should the principal be advised that he cannot dismiss the student, except for conduct unbecoming a student-at-law? Is he required to give training without receiving an economic service in return? Can he dismiss the student for "incompetence"?

Your Committee recommends this matter be deferred to the next meeting of the Committee.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 7th day of February, 1974, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, Cartwright, Lochead, MacKinnon, Seagram, Sheard and Thom.

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

At its meeting on the 18th January, 1974, Convocation adopted the recommendation of the Admissions Committee that A. Webster Macdonald, Sr., be allowed to proceed under the Admissions Committee's Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor.

A. Webster Macdonald, Sr.	Alberta

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Two candidates having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1973, under Bar Admission Course Regulation 26(5).

Approved

DIRECT TRANSFER

Your Committee considered three petitions for direct transfer to practise in Ontario from solicitors from British Columbia, Saskatchewan and Nova Scotia. The British Columbia solicitor sought permission to proceed under Regulation 4(1) and the Saskatchewan solicitor to proceed under Regulations 3(1) and 4(1). Your Committee *approved* these two petitions. Your Committee recommended that the Nova Scotia solicitor be advised that on the information submitted he does not qualify for direct transfer under the Society's regulations.

SPECIAL PETITION

Your Committee had before it a petition from a candidate who wished to be entered in the Fifteenth Bar Admission

Course and sought permission to serve articles from 8th October, 1973 until the commencement of the teaching portion of the Course. The candidate had been out of the country on a scholarship until the end of September, 1973 and thus could not commence articles until early in October. Through oversight his application and articling papers were not filed until January.

Your Committee *approved* his application for admission to the Fifteenth Bar Admission Course and *recommended* that he be required to continue his service under articles until 8th September, 1974.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200.00. Letters confirming the eligibility of the applicants have been received from the deans of the relevant law schools for the following applicants:

Neil James Williams: LL.B. University of Melbourne, Australia, 1955; Barrister and Solicitor of the Supreme Court of Victoria 1956.

John Ernest Claydon: B.A. Carleton University, 1967; LL.B. Queen's University, 1970; LL.M. University of Virginia, June, 1971.

Approved

REPORT OF SUB-COMMITTEE (OMEGA) ON ADMISSIONS COMMITTEE DISCRETION

The Report of the Sub-Committee is before the Committee in which it is recommended that a student-at-law be required to complete the Bar Admission Course within the five-year period commencing with graduation from law school with discretion in the Committee to extend the period upon exceptional circumstances being shown, and that the twelve consecutive months to be served under articles of clerkship must be served within the eighteen-month period preceding entry into the teaching part of the Course.

Approved

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was called to the Bar and the degree of Barrister-at-law was conferred upon him by the Treasurer:

A. Webster Macdonald, Sr. — Special, Alberta,
Occasional Appearance

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 7th day of February, 1974, at 10:00 a.m., the following members being present: Messrs. Gray (Chairman), Fennell, Goodman, Henderson, Howland, MacKinnon, Pepper, Seagram, Sheard, Thom and Zahoruk.

ACCOUNTS

The Secretary reports that from 1st November 1973 to 31st January 1974, accounts (including Library Accounts), properly approved, to the amount of $254,159.90 have been paid.

Noted

FINANCIAL STATEMENT, 1st September 1973 to 31st January 1974

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1973 to 31st January 1974.

Approved

ROLLS AND RECORDS

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

George Francis Wallace Inrig, Q.C., Lindsay	Called—19 April 1963 Appointed Provincial Judge, Criminal Division, Victoria County—14 November 1973
Spyros Demosthenes Loukidelis North Bay	Called—27 June 1957 Appointed County Court Judge-at-large, District of Sudbury—25 October 1973

John James Urie, Q.C. Ottawa	Called—29 June 1948 Appointed Justice of the Federal Court of Canada, Appeal Division — 19 April 1973
Miss Sydney Dymond, Q.C. Toronto	Called — 29 June 1949 Appointed County Court Judge-at-large, County and District of Ontario—27 December 1973
Lawrence Smith Eckardt Vancouver	Called—20 November 1930 Appointed Provincial Judge, Vancouver—January 1970
Francis Stephen Weatherston, Q.C.	Called—17 October 1940 Appointed Judge, S.C.O.—20 December 1973
Hewson Ward Allen, Q.C. Toronto	Called—15 June 1944 Appointed County Court Judge-at-large, County of York—1 August 1973

Deaths

The following members have died:

Arthur Freeman Treleaven, Q.C., Hamilton	Called—18 November 1937 Deceased—22 November 1973
John Arthur Christilaw, Q.C. Hamilton (Life Member)	Called—6 February 1919 Deceased—13 November 1973
Cable Boville Clark Edmonton	Called—20 March 1924 Deceased—21 July 1973
Edgar Henry Dyck, Q.C. Leamington	Called—25 June 1953 Deceased—24 July 1973
Richard Fredrick Chamandy Toronto	Called—25 June 1959 Deceased—15 September 1973
Norman Warriner Byrne, Q.C. Hamilton	Called—22nd May 1924 Deceased—19 November 1973
Sidney Livingstone Howell Ottawa	Called—15 November 1934 Deceased—12 October 1973
Kenneth Vern Stratton, Q.C. Stratford (Life Member)	Called—20 May 1920 Deceased—7 December 1973

Allan E. Parkinson St. Mary's (Life Member)	Called—12 September 1913 Deceased—29 November 1973
William Horace Hewson, Q.C. Penetanguishene	Called—20 November 1924 Deceased—28 November 1973
George Dewar McPhedran Port Credit	Called—15 June 1944 Deceased—16 November 1973
Richard Harold G. Ivey, Q.C. London (Life Member)	Called—17 October 1913 Deceased—6 January 1974
Wallace Bickford Nesbitt, Q.C. Woodstock	Called—19 June 1947 Deceased—21 December 1973
William Charles Bowman, Q.C. Toronto	Called—18 September 1941 Deceased—22 December 1973
Douglas Beaumont Ellis Windsor (Life Member)	Called—19 May 1921 Deceased—2 April 1973
Russell Philip Smith Toronto	Called—24 November 1927 Deceased—25 June 1973
James Morgan Riddell, Q.C. Stratford (Life Member)	Called—19 August 1915 Deceased—23 December 1973
John Douglas Fraser Ross, Q.C. King City (Life Member)	Called—18 May 1922 Deceased—22 December 1973
Arthur Burgess Turner Toronto (Life Member)	Called—13 September 1912 Deceased—14th or 15th November 1973
William Nelson Hinton Barrie	Called—16 September 1960 Deceased—28 January 1974
Wilfred Gordon Nield Toronto	Called—15 June 1933 Deceased—10 January 1974

Disbarment

The following member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Ian Duncan Morrison Chatham	Called—23 June 1955 Disbarred—Convocation, 16 November 1973

Noted

MEMBERSHIP UNDER RULE 50—Retired Members

The following members who are sixty-five years of age or over and who are fully retired applied to continue their membership in the Society at a reduced annual fee of $25.00:

Frank Hubert Bailey, Toronto
Ormonde Herbert Barrett, Montreal
Miss Marion Bulloch, Toronto
George Allen Ross Cowan, Barrie
Alfred C. Cowan, Toronto
John Alexander Barnet Dulmage, Smiths Falls
Mrs. Florence Catherine Eustace Evely, Don Mills
Alexander Michael Ferriss, Penetang
Gordon Richard Foster, Barrie
Henry Eden Langford, Toronto
Melville Burgoyne Kennedy Gordon, Ottawa
Alexander Ross Little, Winnipeg
Harold Lloyd Osborne, Simcoe
Kenneth Borden Palmer, Toronto
Morgan Lloyd Piper, Toronto
Charles Cunningham Dunlop Pringle, Toronto
Harold E. Roberts, Islington
Charles H. Woods, St. Catharines

Approved

RESIGNATION

Roderick Illingworth Alpine Smith of Vancouver applied for permission to resign his membership in the Society and submitted his Declaration in support. He requested that he be relieved of the requirement of publication in the Ontario Reports.

Approved

Frank Xavier Burrows of Toronto applied for permission to resign his membership in the Society and submitted his Declaration in support. He requested that he be relieved of the requirement of publication in the Ontario Reports.

Approved at Convocation

CHANGE OF NAME

Lawrence Leo Michael Dolecki requested that his name be changed on the Rolls of the Society to Lawrence Leo Dolecki.

James Homer Courtright requested that his name be changed on the Rolls of the Society to James Homer *Francis* Courtright.

Barboura Ann Budnick appears on the Rolls of the Society under the surname "Budnick", being her married name. She asks that her name be changed on the Rolls to *"Ferns"*, her maiden name.

Jean Elizabeth Hutton requested that her name be changed on the Rolls of the Society to Jean Elizabeth *Turner,* her married name, and submitted a copy of her Marriage Certificate.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the County Law Associations which have sent in their annual returns for 1973. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

LEGAL EDUCATION COMMITTEE

The following recommendation was made to the Legal Education Committee subject to the approval of the Finance Committee:

> "*Liaison with Law School Faculty Members*: On the 22nd of January, at a meeting of the Sub-Committee (Alpha) on the Bar Admission Course and Articling, attended by some of the heads of sections, it was recommended that the Bar Admission Course invite faculty members of the Ontario law schools to meet with the appropriate head of section and his instructors. The purpose of the meeting would be to discuss the content of the section in order to achieve a better understanding of what is, and what should be taught at the Bar Admission Course level.
>
> It is recommended that subject to the approval of the Finance Committee, the Bar Admission Course arrange such meetings at Osgoode Hall, at the expense of the Law Society for each of the sections where the section head approves or consents."

Approved

FEDERATION OF LAW SOCIETIES OF CANADA

The Federation of Law Societies of Canada requests a grant of $11,200 from the Law Society of Upper Canada. The Federation has estimated its expenditures for the coming year and divided the total amount among the provinces on the basis of the number of members of the profession in each province.

The Federation's estimated budget for the year ending 30th June 1974 is before the Committee.

Approved

PROPOSED CHANGE IN FINANCIAL YEAR

A memorandum prepared by the Society's Finance Administrator respecting a proposed change in the Society's financial year was before the Committee for consideration.

Your Committee recommends that the financial year of the Society be from the 1st day of July to the 30th day of June of the following year except that the 1973-74 financial year shall be from the 1st day of September 1973 to the 30th day of June 1974, and that the necessary amendments be made to Rules 5 and 33.

Messrs. Cartwright and Finlayson took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

MOTION—FINANCIAL YEAR AND ESTIMATES

It was moved by Mr. Gray, seconded by Mr. MacKinnon, that Rule 5 be amended by revoking the existing Rule and substituting therefor the following:

FINANCIAL YEAR

> 5. The financial year of the Society shall be from the 1st day of July to the 30th day of June of the following year except that the 1973-74 financial year shall be from the 1st day of September 1973 to the 30th day of June 1974.

and that Rule 33 (1) be amended by revoking the existing Rule and substituting therefor the following:

ESTIMATES

33.—(1) Every standing committee of Convocation shall not later than at its June meeting in each year consider and adopt an estimate in respect of its operations for the ensuing financial year and submit such estimate forthwith thereafter to the Finance Committee.

Carried

DISCIPLINE COMMITTEE—Mr. Thom

Your Committee met on the 7th day of February, 1974, at 11:30 o'clock in the forenoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Cass, Chappell, Evans, Henderson, Krever, MacKinnon, Maloney, Pepper, Rogers, Seagram and Strauss.

1. REFEREE

Due to the death of Mr. W. J. Smith, Q.C., and the decision of Mr. R. B. F. Barr, Q.C., not to take any Compensation Fund matters on for the time being, the Society's Referees have been reduced to two in number — Mr. J. S. Boeckh, Q.C., and Mr. J. C. McTague, Q.C. Your Committee recommended that Mr. O. B. Shime be appointed a Referee.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY—Mr. Thom

COMPENSATION FUND

For the period 1st September, 1973 to 31st January, 1974

	Month of Jan. 1974	*5 Months ending 31st January, 1974*		
Balance on Hand, 31st Aug. 1973	$	$	$	$1,679,482.51
Receipts				
Fees	20,790.00		209,100.00	
Investment Income				
Government of Canada		16,750.00		
Guaranteed Deposit Receipt	2,619.93	25,855.94		
Bank Interest		7.24	42,613.18	

Recoveries				
M. Godo	100.00	700.00		
G. R. Frame		8,313.60		
M. Gruson	172.62	172.62		
S. Resnick		77.82	9,264.04	260,977.22
	$ 23,682.55			$1,940,459.73
Disbursements				
Grants — S. Caplan		$465,144.43		
— A. Blotti		108,935.60	$574,080.03	
Bank Charges		11.60		
Administration Expense	10,000.00	15,000.00		
Annual Fee Refund	120.00	210.00		
Counsel Fees, Reporters, etc.	564.50	4,118.12	19,339.72	593,419.75
	$ 12,998.05	Trust Bal.—31/1/74		$1,347,039.98

Résumé of Gross Claims Outstanding

Claims received and not processed as of 31st December, 1973		$1,109,275.53
Received during month of January		11,558.00
		$1,120,833.53
Dismissed, Withdrawn or Written Off during month of January	$	
Settled by payment in whole or in part		—
**Claims received and in the course of being processed as of 31st January, 1974*		$1,120,833.53

* Blotti —	$186,057.02
Harris —	519,749.90
	$705,806.92

Total paid to 31st January, 1974 on account of 889 claims of 87 former solicitors	$3,170,359.59

THE SUMMARY WAS RECEIVED

GENERAL GUIDELINES FOR THE DETERMINATION OF GRANTS FROM THE COMPENSATION FUND—Mr. Thom

On 18th January, 1974, Convocation received the Report of the Discipline Committee recommending adoption of the Committee's revision of the "General Guidelines for the Determination of Grants from the Compensation Fund". Convocation deferred consideration of the matter to February Convocation and directed that copies of the "Guidelines" be distributed to all members of Convocation. The following is the Report of the Discipline Committee:

Your Committee met on the 10th day of January, 1974, at 11:00 o'clock in the forenoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. E. Beament (Vice-Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Carley, Cartwright, Cass, Cory, Evans, Finlayson, Grange, Griffiths, H. E. Harris, Krever, MacKinnon, O'Brien, Pallett, Rogers, Seagram, Strauss, Trepanier and Wallace.

REVIEW OF COMPENSATION FUND GENERAL GUIDELINES

Since the approval and subsequent amendment of the "O'Brien Memorandum", experience with the administration of the Fund indicated to your Committee that it was timely to give consideration to a re-statement of the General Guidelines as they now stand. The review having been completed, your Committee recommends adoption of the following revision:

JANUARY 1974

THE LAW SOCIETY OF UPPER CANADA

GENERAL GUIDELINES FOR THE DETERMINATION OF GRANTS FROM THE COMPENSATION FUND

REVISION

1. It must be shown that a solicitor and client relationship could be reasonably said to have existed between the claimant and the solicitor at the time the funds or property of the claimant were received by the solicitor and that the loss arose in connection with the solicitor's law practice or in connection with any trust of which he is or was a trustee. As a general rule it must be shown that the trust was related to or in connection with the law practice.

2. It is not feasible to identify all the circumstances in which funds or property of a claimant may have been received by the solicitor but in applying the tests in paragraph 1 above care must be taken to distinguish between the following two situations:

   (a) Where the funds were paid over to the solicitor under an express or implied trust for investment on behalf of the claimant or to be used for a particular purpose or in a particular way, the failure of the solicitor so to use such funds may be regarded as dishonesty in appropriate circumstances.

   (b) Where the solicitor was known to the claimant to be a borrower in his own right and under no restriction as to the use which would be made of the money so borrowed, mere borrowing and failure to repay is not conduct for which relief from the Fund is available. In the event, however, that the facts establish that because of or in the course of a solicitor and client relationship the claimant has been induced to advance funds to the solicitor, consideration can be given to making a grant where the loan is not repaid.

3. There must be satisfactory proof that money or money's worth was received by the solicitor from or on behalf of the claimant and equivalent money or money's worth has not been returned or accounted for to the client.

4. The amount of the loss in respect of which a grant may be made is the difference between the amount received by the solicitor and the actual amount returned or otherwise accounted for to the client. The statute does not provide for payment of interest to the claimant or costs, expenses or damages incurred or suffered by the claimant. Generally speaking, all amounts paid to the claimant even though purporting to be interest or on account of interest should be deducted in determining the amount of the grant, but this need not be done where the claimant has reported such payments as income in his income tax return.

5. It is in the discretion of the Committee to grant less than the proven loss as established under paragraph 3 above in the following situations:

(a) Where the claimant expected or should reasonably be considered as having expected that the funds entrusted to the solicitor were to be invested in a risky investment that might not be recovered in full. This question should be considered even in a case where it is known to the Committee that the solicitor in fact made no investment at all and simply stole the funds entrusted to him. The expectation of receiving a return so high as to be excessive in the circumstances would be an indication of a risky investment. The grant may be reduced by a factor that reflects the Committee's estimate of the degree of risk so that the Fund is not in effect guaranteeing the claimant against a risk deliberately or impliedly assumed. The claimant should be in no better position than he would have been if he had received the security or the type of security he expected or should have expected.

(b) Where the claimant has claimed or may be expected to claim a loss in computing income for tax purposes the amount of tax reduction may be taken into consideration in determining the amount of the grant.

6. Carelessness on the part of the claimant or failure to exercise what might appear to the Committee to be due care in protecting his own interests is not ordinarily to be regarded as a reason for reducing the amount of a grant below the amount of the proven loss, as established under paragraph 3 above. This is particularly so in the case where the claimant has in effect trusted the solicitor to protect his, the claimant's, interests. Where, however, the claimant had been afforded an opportunity to look into the facts of a proposed transaction and had been grossly careless in not so doing there might well be a reduction.

7. Where the dealings with the solicitor have been conducted by a trustee or agent for or on behalf of another person the merits of the claim, the decision to make a grant and the amount of the grant should be determined as though the trustee or agent had been dealing with his own funds. If a grant is made care should be taken that it reaches and thereafter will be preserved for the person beneficially entitled. If the formal written claim is not made in the name of the person entitled to benefit from any grant made in respect of that claim the record should be corrected to meet the circumstances and to ensure that the proper person receives the benefit of the grant.

8. Where a claimant has a cause of action against some other person which, if successful, would reimburse the claimant or reduce the amount of his loss and would not be recoverable by such other person from the Fund, the claimant, as a general rule, should be required to take all reasonable steps to effect recovery from such other person before a grant is made from the Fund. It is in the discretion of the Committee whether all reasonable steps have been taken but such discretion should be exercised with the interests of the claimant primarily in mind rather than the protection of the Fund.

9. Where the solicitor would appear to have a valid claim against the claimant for fees and disbursements in respect of services that have been rendered to the claimant the approximate amount thereof can in the discretion of the Committee be deducted from the amount of the grant that would otherwise be made.

10. Where a claim arises out of circumstances that afford *prima facie* proof of criminal conduct on the part of the

solicitor, the Secretary or an Assistant Secretary, on the instructions of the Chairman or Vice-Chairman, shall direct the claimant to report the facts to the relevant Crown Attorney for investigation. The claimant must then satisfy the Committee that he has done so before the claim will be entertained.

THE REPORT WAS ADOPTED

ORDER

Re: HENRY ROBERT SHEPPARD, Kingston

The Secretary presented the following Order to be recorded in the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF *Henry Robert Sheppard,* of the City of Kingston, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated the 9th day of November, 1973, wherein the Solicitor was found guilty of professional misconduct, and having heard such additional evidence as was adduced, and having heard Counsel for the Solicitor and for the Society;

CONVOCATION HEREBY ORDERS that the said HENRY ROBERT SHEPPARD be reprimanded in Convocation.

AND CONVOCATION FURTHER ORDERS that the said HENRY ROBERT SHEPHERD pay the expenses of the Society's investigation of his professional affairs and of the hearing in the amount of $7,173.82.

DATED this 18th day of January, 1974.

"Sydney L. Robins"
Treasurer

(SEAL —
The Law Society of
Upper Canada)

"Kenneth Jarvis"
Secretary

Filed

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Saturday, the 9th day of February, 1974, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Borins, Cass, Chadwick, Fairbairn, Ferrier, Harris and A. W. Maloney.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of December, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 9 months ended December 31st, 1973.

(b) (i) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off client recoveries pursuant to Section 98 (2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of client recoveries in the amount of $46,279.58.

(ii) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off balances owing by contributing clients pursuant to Section 98 (2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of balances owing by contributing clients in the amount of $6,209.27.

(c) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

Approved

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of January, 1974.

(b) The Legal Accounts Officer submitted a report for the month of January, 1974 with respect to reviews and appeals.

SUB-COMMITTEE APPOINTED TO REVIEW THE RESPONSIBILITIES OF AN AREA COMMITTEE

At the January meeting the Committee reviewed correspondence from James B. Chadwick, Area Director, Carleton

County, wherein he expressed concern with respect to the time-consuming procedure involved in an Area Committee reviewing financial appeals. The Committee recommended that the Chairman strike a sub-committee to consider the responsibilities of an area committee.

The Chairman has appointed the following as members of a sub-committee to review this matter and report back to the Committee:

James B. Chadwick
L. S. Fairbairn
G. H. Lochead, Q.C.
L. S. Ferrier

SECTION 29 (5) OF THE LEGAL AID REGULATION

Section 29 (5) of the Regulation reads:

> "A solicitor whose name has been removed from any panel under subsection 2 or 3 may apply to the area director to have his name restored to such panel and his name may be restored by the Director with the approval of the Legal Aid Committee."

At the January meeting of the Committee a discussion took place on the procedure to be followed with respect to Section 29 (5) of the Regulation as it relates to the Statutory Powers Procedure Act.

Your Committee considered a draft Notice of Hearing prepared by Peter deC. Cory, Q.C., which might be used by the Legal Aid Plan in order to comply with the provisions of the Statutory Powers Procedure Act.

The Notice of Hearing was approved by the Committee and is before Convocation.

NON-DISCLOSURE OF INFORMATION SECTION 137 OF THE REGULATION

In October, 1973 a sub-committee was appointed to review Section 137 of the Regulation — Non-Disclosure of Information. Several Judges had indicated that it may be appropriate to dispense with the confidential aspect of issuing a certificate. It was suggested that the fact that a client has received Legal Aid should not be considered confidential. This will allow for better policing of the Plan in the Courts and resolve many problems with respect to awarding costs, etc.

At the December meeting the Committee reviewed a report submitted by the sub-committee and approved the report in principle but requested that the sub-committee report back recommending the necessary amendments to the Act and Regulation.

Your Committee has now reviewed and approved an amended report submitted by L. K. Ferrier, Chairman of the sub-committee.

The sub-committee's report contained the following recommendations:

> "We accordingly recommend that Section 25 of the Act and Section 137 of the Regulation be amended to provide as follows:
>
> *Section 25*
>
> '(a) Subject to subsection (b) of this Section, all communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, and any employee of the Legal Aid Plan or the Department of Community and Social Services, on the one hand, and an applicant for, or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications.
>
> (b) The following shall not be privileged:
>
> i. The fact that a person has applied for or been granted a Legal Aid Certificate;
>
> ii. The point which an application for a Certificate has reached in the administrative process; and
>
> iii. The terms of the financial agreement in effect between the applicant and the Legal Aid Plan.'
>
> *Section 137*
>
> '(a) Subject to subsection (b) of this Section, no information furnished by or about an applicant for, or a recipient of legal aid shall be disclosed other than as may be necessary for the proper performance by any person of his functions under the Act and this Regulation.
>
> (b) The following information may be disclosed:
>
> i. The fact that a person has applied for or been granted a Legal Aid Certificate;
>
> ii. The point which an application for a Certificate has reached in the administrative process; and
>
> iii. The terms of the financial agreement in effect between the applicant and the Legal Aid Plan.' "

SUB-COMMITTEE ON STUDENT LEGAL AID SOCIETIES

Re: Funds for the Fiscal Year Ending March 31st, 1974

The Sub-Committee on Student Legal Aid Societies submitted a report and recommendations with respect to distribution of the budget for Student Legal Aid Societies.

Your Committee considered the distribution of the budget amount of $55,000 for the current fiscal year to the six law schools. Three approaches with respect to the distribution were considered:

(1) equal distribution regardless of student enrolment and nature of activity,

(2) distribution according to law student enrolment among the six schools,

(3) distribution based on the Legal Aid Committee's opinion of the services performed by the various Student Societies (i.e., volume of work, number of law students actively engaged in Legal Aid work, nature of the work done, extent of overhead expenses and availability of other financial support).

After an in-depth review of these approaches to distribution of the student budget, your Committee recommends that the said funds for the fiscal year ending March 31st, 1974 be distributed to the Student Legal Aid Societies on the basis of enrolment in the various law schools. The Committee was of the opinion, however, that this method of distribution was not to be considered a precedent for other years.

A statement of the approved allocation of funds to Student Legal Aid Societies is before Convocation.

COMMUNITY AND SOCIAL SERVICES PILOT PROJECT RE APPLICANTS IN RECEPT OF FAMILY BENEFITS, WELFARE

The Department of Community and Social Services initiated a pilot project for a three-month period where legal aid applicants on family benefits or welfare will not be interviewed by an Assessment Officer.

The Department negotiated the pilot project with John B. Allen, Q.C., Assistant Provincial Director.

Mr. Allen informed the Committee, however, that where a welfare recipient is the owner of real estate a financial interview will take place since the Area Director may still wish to request a lien agreement on the property.

COMMUNITY LEGAL SERVICES

Re: International Institute of Metropolitan Toronto

On the recommendation of John B. Allen, Q.C., Assistant Provincial Director, your Committee approved a new Duty Counsel Clinic to be operated at the offices of the International Institute of Metropolitan Toronto, 1985 Danforth Avenue. This will bring the number of Duty Counsel Clinics operating in Metropolitan Toronto to 16.

AREA COMMITTEES

Section 4 (1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Welland County

Maurice Keck, Staff Representative, United Steel Workers

Muskoka District

Sean Kelly, Solicitor, Bracebridge

Temiskaming District

Wm. J. Barr, Insurance Agent

Peel County

L. S. Acri, Solicitor, Brampton
L. J. McGuigan, Assistant Crown Attorney, Brampton
P. C. Upshall, Solicitor, Brampton
M. J. Walsh, Solicitor, Brampton

Norfolk County

Westren Lumley, Retired Business Executive, Delhi
John H. Harrison, Q.C., Delhi
Thomas A. Cline, Solicitor, Simcoe

Elgin County

Bruce Doan, Probation Officer

Resignations:

Welland County

Allan Goodman (Hon. Mr. Justice)

Nipissing District

Albert E. Klein, Q.C.

Norfolk County
Franklin M. Reid, Solicitor

Elgin County
William J. Canning, Probation Officer
Eugene P. Ray, Sheriff

It was moved by Mr. Borins, seconded by Mr. Krever, that subsections (b) (iii) of Section 25 and Section 137 contained in the recommendations of the Sub-Committee on Non-Disclosure be deleted.

Lost

It was moved by Mr. White, seconded by Mr. O'Brien that in subsection (b) of Section 137 the words "in the discretion of the judge dealing with the matter" be inserted after the word "disclosed" in the first line thereof, and that the first line of subsection (b) of Section 25 be amended to read "In the discretion of the judge dealing with the matter the following shall be privileged:".

Lost

It was moved by Mr. Maloney, seconded by Mr. Goodman, that the recommendations contained in the Report of the Sub-Committee on Non-Disclosure be deleted.

Lost

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 7th day of February, 1974, at 3:30 o'clock in the afternoon, the following members being present: Mr. F. J. L. Evans (Vice-Chairman, acting as Chairman) and Messrs. Cartwright, Fennell, FitzGerald, Krever, Lochead, MacKinnon, O'Brien, Pallett, Pepper, Rogers and Seagram.

1. CLINICAL LAW OFFICE — UNIVERSITY OF WINDSOR

Mr. Neil Gold, Assistant Professor, Faculty of Law and Director of Clinical Law at the University of Windsor, submitted to your Committee a letter concerning the Clinical Law program operated by the Faculty in downtown Windsor.

This matter was referred to a Sub-Committee for consideration. The Sub-Committee's report has been received and adopted by your Committee. The Sub-Committee's Report contained the following recommendation:

> "We therefore recommend that the Windsor project be permitted to advertise in the Windsor area and that such advertising be submitted to this sub-committee and that this sub-committee be asked to continue to observe the situation and report back to the committee for further consideration at its June meeting."

2. REPORT OF THE SUB-COMMITTEE TO INVESTIGATE ADEQUACY OF PROFESSIONAL CONDUCT RULES IN ADVERTISING IN AREA OF COMMUNITY SERVICES

This Sub-Committee composed of Messrs. Carthy, Krever and Wallace, was appointed June 25th, 1973. Its Report has now been received and adopted by your Committee. The Report is as follows:

> "The sub-committee had available to it communications from lawyers interested in this area, reports from other related sub-committees, and the preliminary report of the Canadian Bar Association on Legal Ethics. The relevant portion of the Association's report reads as follows:

'(p. 89) 6. Unregulated competitive advertising of legal services is not in the interest of either the public or the profession. Such advertising would be apt to encourage extravagant, artful, self-laudatory claims that could lead mislead the uninformed. It could also arouse unattainable hopes and expectations which would be followed inevitably by distrust of legal institutions and lawyers. The public interest is better served if success in the legal profession comes through merit rather than other means. Moreover there are sound economic reasons for not allowing unregulated advertising quite apart from the traditional reasons for prohibiting it. The cost of such advertising would increase the cost of legal services, and secondly, such advertising might tend to bring about a concentration of legal business in the hands of relatively few practitioners which would unduly limit the choice of persons seeking independent legal representation.

7. If, however, the objections referred to in paragraph 6 are avoided, advertising in a limited sense

> of the term can be an important means of assisting members of the public to recognize their legal problems and to overcome the difficulties referred to in paragraph 1 in the selection of lawyers to provide the appropriate legal services. The following forms of limited advertising are, therefore, permitted: (a) advertising on behalf of the profession by a Governing Body and by groups authorized by it; (b) publication of names on legal aid panels and referral (p. 90) services sponsored or approved by the Governing Body; and (c) signs, nameplates, professional cards, announcements, letterheads, etc. as regulated by the Governing Body including, where applicable, reference to the fact that a lawyer is an accredited specialist, or in jurisdictions where there is no provision for accredited specialists, reference to the fact that a lawyer restricts his practice to particular fields of law. The overriding considerations are that the content of all such advertising should be true, should not be capable of deceiving or misleading the public and should be presented in a dignified form.
>
> 8. It is not possible to lay down rigid rules with respect to limited advertising because the public need will vary according to the community concerned. For example, in a small community with a stable population a person who requires a lawyer for a particular task will not have the same difficulty in selecting one as someone in a newly founded community or a large city. The latter may have little to guide him other than the telephone directory. Thus the Governing Body must have freedom of action in determining the nature and content of the limited advertising which will best meet the community need. The lawyer should adhere to the particular rules made by his Governing Body in response to local needs and conditions in his area.'

The written material made it apparent to the sub-committee that poverty law can only develop with the assistance of some type of promotion to bring its availability to the attention of those who need it. We were also of the view that the development of poverty law outside of the legal aid system should be encouraged. Accepting these premises we take it as our duty to investigate how Ruling 3 might be amended to permit these purposes to be achieved. We were concerned to examine the general purposes served by the prohibition against advertising and the dangers that should be guarded against in making an exception. The purposes of the prohibition as interpreted by the Canadian Bar Association are expressed in the above excerpt and are consistent with the approach we took.

The sub-committee interviewed Professor Zemans, who runs the Parkdale Clinic, Steve Goudge of the firm of Cameron, Brewin & Scott, who made a submission as to a service in Riverdale, and Bill Phipps and Ralph Howie, who are conducting or propose to conduct a service under the name “People and Law” on Bathurst Street. We also invited Dean Friedland of the University of Toronto with whom there is earlier correspondence concerning student activities and Bernard Kaye who had made a submission concerning a Regent Park service, but neither of these attended.

The sub-committee expected great disparity of opinion on this subject and a disparity of intention from the various proposals but were surprised to find a fair degree of unanimity. Parkdale presently operates on the basis of providing gratuitous service but refers a large volume of cases where legal aid certificates may be issued or where there is ability to pay. The referrals are made on the basis of a judgment by the referring lawyer and not on the legal aid system. “People and Law” is proposed to be a different operation than that which was planned earlier. It is to have no association with a law firm, is to combine legal services with other social services, but is to accept legal aid cases and persons who are able to pay. It accepts the principle that it must be non-profit in order to qualify for any special dispensation. The Cameron, Brewin organization anticipates a branch office of the law firm with no restraint on earnings but as the discussion proceeded Mr. Goudge was frank to admit that they could not qualify for any special consideration on the terms which were being discussed, nor could he suggest any alternative qualification.

Everyone agreed that if advertising is permitted there should be no identification with a law firm or a lawyer’s name. It was agreed that there should be no profit element to the lawyer’s involvement, although it was accepted that they would be on a salary and there was some concern expressed as to whether that salary should be controlled to avoid the appearance that this year's billings are reflected in next year's salary. There was some discussion as to the control of these operations and whether the responsibility to the Law Society would be that of the individual lawyers or the Association. It is apparent that the general plan is that non-lawyers will be in the majority within these operations and that any controls imposed will have to rely upon the Society's powers over the individual lawyers. Everyone agreed that a legal aid referral system was not appropriate and that if a proper service is to be provided referrals must be made on the basis of a fair judgment of the lawyer involved.

The sub-committee expressed the view that if an exemption is to be granted some committee would have to oversee the advertising programme, the financial operation, the referral system, and the achievement of the general purpose of the service from time to time. Resentment was expressed at the suggestion of intermeddling in the financial affairs or in the handling of referrals and the sub-committee was understanding of that reaction. Concern was also expressed at obtaining approval for advertising prior to its use because of the practical problems.

It is recommended that a formula be devised to accommodate these services by permitting advertising under supervision. One such formula might be an amendment to Ruling 3 to add a subsection 3 as follows:

> 'In connection with the services provided by an organization hereafter referred to, and only in such connection, a member may be exempted from the provisions of this Ruling by a certificate of exemption, issued by a sub-committee of the Professional Conduct Committee appointed by the Chairman, where he is associated with a non-profit organization providing a community service, which organization does not advertise under any name associating it with a law firm or a particular lawyer, and where that member's income is not regulated by reference to any income for legal services earned by that organization. Where such a certificate is issued the member shall submit to the sub-committee all advertising by the organization for approval and shall, upon request of the sub-committee, provide any other information as to the financial operations, the referral procedures, or any other functions of the organization which fairly relate to the concerns of the Society under this Ruling. The sub-

committee may at any time and in its absolute discretion, to be confirmed by Convocation, withdraw a certificate of exemption.' "

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Harris

Your Committee met on Thursday, the 7th day of February, 1974, the following members being present: Messrs. Seagram (Chairman), Borins, White and Zahoruk, and Miss A. R. McCormick.

Great Library

Accounts

Expenditures by the Great Library up to January 31, 1974 were approved.

Gifts and Donations

The following donations have been received:

The Hon. Mr. Justice J. L. Wilson, High Court of Justice for Ontario, Osgoode Hall, Toronto: 43 bound volumes of statutes and 6 paper covered government publications

The Ministry of the Attorney General, Board of Negotiation, Toronto: 5 bound volumes of Ontario Statutes.

Mr. Gerald M. Weinstein, Rexdale: 3 volumes of The Law Society of Upper Canada Special Lectures (1956 - 2 vols., 1962 - 1 vol.) ; 3 vols. Canadian Abridgement (1st ed.) Annual 1962, 1963 and 1965.

Canadian Association of Law Libraries Annual Convention

The Chief Librarian and one Assistant Librarian have the approval of the Committee to attend the Annual Convention of the Canadian Association of Law Libraries.

County Law Libraries

The Law Association listed below have sent in their Annual Returns for 1973. The amount of the grant which they should received under the Rules in 1974 and that which they received in 1973 are as follows:

	1974	1973
Bruce	$1,285.00	$ 980.00
Dufferin	795.00	750.00
Kent	2,000.00	2,000.00

Approved, subject to the approval of the Finance Committee.

REPORTING

SUMMARIES OF REASONS FOR JUDGMENT RELEASED BY THE COURT OF APPEAL — PAGINATION

The Secretary was instructed to write to Chief Justice Gale's Clerk concerning the numbering of the "Blue Pages" containing the Summaries of Reasons for Judgment of the Court of Appeal as they appear in the Ontario Reports.

MICROFILMING OF REPORTS

The Secretary reported that the microfilming of the Exchequer Court Reports by Bell and Howell Canada Limited has been completed.

DELAY AND ACCURACY IN PUBLICATION OF REASONS FOR JUDGMENT

The Secretary was instructed to investigate the pick-up and delivery of Reasons for Judgment and to conduct a survey for one month of all Reasons for Judgment received.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE — Mr. Strauss

Your Committee met on Thursday, the 7th day of February, 1974, the following members being present: Mr. Strauss, Chairman, and Messrs. Fennell and Henderson.

The Committee passed a motion that the whole subject of prosecutions by the Unauthorized Practice Committee be reviewed and that the mattter be discussed with the Attorney General of Ontario, if deemed advisable, concerning the breaching of public statutes such as The Law Society Act, The Solicitors Act and the Notaries Public Act.

The Secretary was instructed to refer another matter to the Attorney General of Ontario for action.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

It was moved by Mr. O'Brien, seconded by Mr. Pattillo, that the matter of prosecutions under the Acts not be discussed with the Attorney General.

Carried

THE REPORT AS AMENDED WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST — Mr. Sheard

Your Committee met on Thursday, the 14th day of February, 1974, at 10:30 a.m., the following members being present: Mr. Sheard, Chairman, and Mr. Pepper.

STUDENT APPLICATIONS

Applications for grants have been received from 82 students. Your Committee had before it a memorandum from Mrs. Knox in which grants totalling $7,600 were recommended.

Approved

APPLICATION

An application for assistance from the widow of a deceased member was before the Committee. The application was granted and the Secretary instructed accordingly.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 12:50 P.M.

Mr. Eric Silk, Q.C., and Mr. John F. Hughes were guests of the Treasurer and Benchers at luncheon. Mr. Silk was recently appointed Chairman of the Criminal Injuries Compensation Board after a brief retirement. At the time of his retirement he was Commissioner of the Ontario Provincial Police and had a total of 39 years service with the Ontario Government in various capacities. Mr. Hughes will retire the end of February from the staff of the Society's Accountant.

Read in Convocation and confirmed this 15th day of March, 1974.

SYDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 15th March, 1974
10:00 a.m.

PRESENT:

Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Carthy, Cass, Cooper, Cory, Evans, Fennell, FitzGerald, Grange, Gray, Griffiths, H. E. Harris, Henderson, Howland, Krever, Levinter, Lochead, Maloney, MacKinnon, Pepper, Shepherd, Slemin, Sopha, Strauss, Trepanier, White and Williston.

The Minutes of Convocation of 15th February, 1974 were read in Convocation and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 7th day of March, 1974, at 2:00 p.m., the following members being present: Mr. Grange in the Chair, and Messrs. Borins, Cass, Cory, Finlayson, Gray, Griffiths, Krever, Maloney, Sopha and Thom.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

The following item was deferred to the March meeting from the last meeting of your Committee:

Principals Relationship to Articling Students

Two cases have come to our attention where the principal has dismissed his student from his office, and in each case at the time of writing, the permissible holiday period of one month has expired without the student locating a new position. Neither student will be in a position to comply with the twelve-month provision this year and an exception will be required to be made in each case to allow the student to enter the teaching term in September. Requests for exceptional treatment are not yet before your Committee, but the case raises the general question of the circumstances under which a principal is entitled to terminate the articling relationship, and the Director should have advice from your Committee on how similar situations should be handled in future at the initial stages. Should the principal be advised that he cannot dismiss the student, except for conduct unbecoming a student-at-law? Is he required to give training without receiving an economic service in return? Can he dismiss the student for "incompetence"?

On the same day as this item was first before you, the Discipline Committee considered the matter and reported as follows:

> "At this morning's meeting of the Discipline Committee, there was a general discussion in connection with this subject. As a result, it was moved, seconded and carried that the following motion be referred to the Legal Education Committee for consideration:
>
> > The profession be requested that before a principal discharges a student, unless it be for a disciplinary matter, he contact the Society to see if the situation can be helped through the Mediation Committee and, in any event, give a month's notice to the student with a copy to the Director of the Bar Admission Course to enable the latter to assist, if necessary, in the relocating of the student."

Your Committee recommends that where a principal seeks to terminate articles of clerkship he shall notify the Secretary of his intention and the reasons therefor. (See p. lxv.)

Legal Education Council

Your Committee had before it the following report of Mr. Grange respecting the Legal Education Council:

> "The Law Society of Upper Canada and the Ontario Law Schools are of the opinion that a Legal Education Council would play a beneficial role in Legal education. While recognizing the importance of diversity and experimentation, we believe the purpose of the Council should be to exchange information, facilitate co-operative programs, and improve our ability to respond to changing needs in legal education and legal services. We therefore agree to implement the recommendation of the Report of the Special Committee on Legal Education by setting up a body with the following terms of reference and structure.
>
> The Council would promote research and make recommendations on such matters connected with legal education as admission to law school, curriculum, co-operation amongst

law schools and the Bar Admission Course, library resources, articling, clinical education, the Bar Admission Course, specialization, and continuing education. The recommendation would have a persuasive rather than a legislative effect, it being understood that each of the participating organizations retains its authority to make decisions within its jurisdiction as at present.

To be effective, and to ensure that there are a reasonable number of members at meetings and that sub-committees have an adequate membership, the Council should be somewhat larger than that originally envisaged by the Report of the Special Committee. The Council would consist of the Dean, a faculty member and a student representative from each law school, the Director, one other representative and a student from the Bar Admission Course, ten representatives chosen by the Law Society of Upper Canada, and four lay representatives chosen by the Council, making a total of thirty-five members.

The Council would use the offices of the Council of Ontario Universities, now located in the Robarts Research Library, for administrative purposes and would meet collectively and through committees on a regular basis. It is hoped that the activities of the Council will be supported in the main by funds from the Law Foundation and other sources. Each University Law School and the Law Society of Upper Canada are prepared to make a financial contribution to the Council to the extent of two units from each Law School and eight units from the Law Society, making a total of twenty units.
March 4, 1974"

Approved in Principle

Faculty Appointments

It is recommended that the following appointments be approved and ratified for the 1973/74 teaching term of the Bar Admission Course:

(a) *Corporate & Commercial Law:* J. G. Coleman, appointment as head of section to be confirmed, and the following instructors to either continue or be appointed: D. A. Brown (new), D. R. Brown, A. L. Cader, D. Cameron, G. B. Carmichael (new), J. R. Collins (new), R. W. Comish, C. C. Coolican (new), P. J. Dey, H. G. Emerson, J. M. Farley, J. H. Farrell (new), S. Filer, S. J. Godfrey, D. H. Gordon, L. D. Hebb,

B. J. Hutzel (new), J. T. Kennish, C. T. Loughrin, S. K. Mann (new), J. C. McCartney, P. M. Moore, A. W. Oughtred, J. A. Paterson (new), J. G. Pink, R. W. J. Posluns, J. M. Robinson, S. B. Scott, S. M. Sigel, R. W. Torrens (new), B. A. Tory, T. N. Unwin, L. Waisberg, J. F. T. Warren (new), D. B. Waugh, G. A. Wilson, G. E. Whyte (new), and F. Zaid (new).

Approved

(b) *Legal Aid:* Andrew Lawson, Q.C., to continue as head of this section and the following instructors to either continue or be appointed: J. B. Chadwick, W. R. Donkin, Q.C., J. P. Funnell, Q.C. (new), Gretta Grant, Q.C., A. C. Harry, Q.C. (new), R. J. Huneault, K. P. Lefebvre, G. H. Marsden, Q.C., K. G. Ouellette, T. E. Quinlan, B. B. Trembley, Q.C., D. Warner, F. S. Weatherston, Q.C. (now the Honourable Mr. Justice Weatherston), E. F. West, and R. F. Wyrzykowski.

Approved

(c) *Family Law:* James C. MacDonald, Q.C., to continue as head of this section and the following instructors to either continue or be appointed: D. S. Affleck, T. G. Bastedo, G. W. Brigden, Q.C., D. J. Brown (new), D. J. Catalano, Q.C., Miss Rodica David, A. B. Doran, H. H. Elliott, P. M. Epstein (new), L. K. Ferrier, F. G. Gans, J. R. R. Jennings, P. R. Jewell, G. P. Johnstone, J. D. Karswick, Mrs. Gloria Klowak, M. C. Kronby, B. Laker, Q.C., A. D. Libman, M. D. Lipton, D. H. Lissaman, Q.C., H. R. Locke, Q.C., D. R. Main, C. C. Mark, H. D. Marks (new), C. S. Martin, Mrs. P. D. C. MacTavish, R. Richman, G. K. Selzer, J. D. Sheard, Q.C., S. B. Smart, H. D. Stewart, G. T. Walsh, Q.C., T. C. Warne, and H. D. Wilkins (now His Honour Judge Wilkins).

Approved

(d) *Estate Planning and Administration of Estates:* E. J. Huycke, Q.C., to continue as head of the Estate Planning Section and J. A. Brulé, Q.C., to continue as head of the Administration of Estates Section, and the following instructors to either continue or be appointed: Mrs. D. C. Allen (new), R. Appleby (new), M. S. Archibald, E. Burstein, D. F. Curtis, L. S. D. Fogler, Q.C., J. M. Fuke, D. G. Fuller, R. J. Fuller, Miss S. Greer (new), P. H. Harris, S. Heighington, Q.C., Miss R. E. Hodgins, R. E. Jarman, J. F. Kennedy, R. L. Kennedy, Jr., M. O'Donohue, Q.C., Miss S. M. Perdue (new), Mrs. A. Phillips (new), T. W. Powers, Q.C., Mrs. E. J. Richardson, Mrs. G. Maitland-Carter (new), J. T. Robson, Q.C., K. L. Saltzman, P. U. Schmidt, P. B. Shone, J. D. Simmons, Miss E. Slasor, S. C. Smith, J. M. Solursh, B. A. Spiegel, J. M. Stewart, T. A. Sweeney, S. Tauge, J. J. Wardlaw (new), and M. J. White.

Approved

(e) *Criminal Law:* R. J. Carter to continue as head of this section and the following instructors to either continue or be appointed: J. W. Austin, B. C. Bynoe, Q.C., A. G. Campbell, Ian Cartwright, A. M. Cooper, Q.C., J. D. Crane, E. L. Greenspan, M. Harris, D. R. H. Heather, J. A. Hoolihan, Q.C., G. P. Johnstone, G. R. Kluwak (new), M. M. Lynch (new), M. Manning, N. D. McRea, Q.C., R. G. Murray, W. J. Parker (new), R. E. Salhany, E. L. Schofield, M. H. Siegal, R. G. Thomas, M. J. Wadsworth (new), D. Watt (new), and A. C. Whealy.

Approved

SPECIAL PETITION

Barry J. Reiter asked and obtained permission to defer entering the teaching portion of the Bar Admission Course so that he could attend the B.C.L. programme at Oxford University. He now asks to defer for one more year entering the teaching portion of the Bar Admission Course to allow him to accept a teaching appointment at the University of Toronto.

Approved

It was moved by Mr. Cory, seconded by Mr. Maloney, that the first item (Principals Relationship to Articling Students) be referred to the Alpha Sub-Committee.

Carried

THE REPORT AS AMENDED WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 7th day of March, 1974, at 1:00 p.m., the following members being present: Mr. Cass, Chairman, Mr. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Cartwright, Cooper, Grange, Seagram, Sopha and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

SPECIAL

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular case and paid the required fee of $200, are now entitled to be called to the Bar and to be granted a Certificate of Fitness:

William Herbert Angus: Special — Faculty of Law, Osgoode Hall Law School.
Tung-pi Chen: Special — Faculty of Law, Queen's University.
John Ernest Claydon: Special — Faculty of Law, Queen's University.
Neil James Williams: Special — Faculty of Law, Osgoode Hall Law School.

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Five candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1973. One applied under Regulation 7 and four applied under Regulation 26 (5).

Approved

DIRECT TRANSFER FROM QUEBEC

One application for direct transfer to practise in Ontario was before the Committee. The applicant, a Quebec solicitor who holds non-practising membership in the Bars of Nova Scotia and Saskatchewan, seeks permission to proceed under Regulation 4 (2) and asks that his academic qualifications be accepted as satisfying the requirement that an applicant pass a comprehensive examination on Common Law.

Your Committee recommends that he be advised that he may proceed under Regulation 4 (2) but that the Committee has no discretion to accept his qualifications as satisfying the requirement that he pass a comprehensive examination on Common Law.

TRANSFERS FROM JURISDICTIONS OUTSIDE CANADA

Your Committee had before it applications from three applicants qualified in jurisdictions outside Canada, namely, West Pakistan, Ceylon and England. The applications of the first two were referred to the External Credentials Sub-Committee.

Your Committee recommends that the applicant from England be advised that he does not qualify under Regulation 5 (2).

BAR ADMISSION COURSE

Your Committee considered two applications for permission to enter the Bar Admission Course. One applicant wished an extension of the period following graduation within which the Bar Admission Course must be completed and submitted a summary of his academic pursuits and employment since graduation. Your Committee *approved* his application. The other applicant who has been in the service of the Department of External Affairs since his graduation sought permission to enter the teaching portion of the Bar Admission Course without first completing articles. Your Committee recommends that his application to enter the Bad Admission Course, including the articling term, be *approved.*

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

William Herbert Angus
Tung-pi Chen
John Ernest Claydon
Neil James Williams

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 7th day of March, 1974, at 3:00 p.m., the following members being present: Messrs. Gray (Chairman), Beament, Cartwright, Fennell, Howland, Levinter, Thom and Trepanier.

ACCOUNTS

The Secretary reports that from 1st February 1974 to 28th February 1974 accounts (including Library Accounts), properly approved, to the amount of $114, 367. 74 have been paid.

Noted

FINANCIAL STATEMENT, 1st September 1973 to 28th February 1974

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1973 to 28th February 1974.

Approved

ROLLS AND RECORDS

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

David Moffatt Thomson, Q.C. Lindsay	Called—16 September 1948 Appointed County Court Judge, County of Lambton—24 January 1974
Homer Douglas Wilkins Toronto	Called—25 June 1959 Appointed Provincial Judge, Family Division, County of York—6 February 1974

Deaths

The following members have died:

Richard Henry Pearson, Q.C. Don Mills	Called—18 September 1941 Deceased—13 February 1974
Frederick David Baker Toronto	Called—25 June 1953 Deceased—23 February 1974
Fred Raymond Scandrett Richmond Hill (Life Member)	Called—12 September 1918 Deceased—8 February 1974
Joseph Anthony Mahon, Q.C. Toronto	Called—21 June 1928 Deceased—24 February 1974

Noted

MEMBERSHIP UNDER RULE 50—Retired Members

Brig. General W. J. Lawson, Q.C., Lucerne, Quebec, who is sixty-five years of age and fully retired from the practice of law or other employment, requested consideration of his application to continue his membership in the Society at a reduced annual fee of $25 beginning with the 1974-75 fee period.

Approved

EXEMPTION FROM CERTAIN FILING REQUIREMENTS UNDER RULE 50—Retired Members

The following matter was before the Committee at its last meeting and was allowed to stand to this meeting:

> "Mr. *Clifford R. Magone, Q.C.*, is continuing his membership in the Society at the reduced fee of $25. The Rules and Regulations of the Society still require him to file annually a Statutory Declaration in lieu of the Form 2 auditor's report and also to file annually an application for exemption from coverage under the Errors and Omissions Insurance Plan.
>
> The Secretary recommends that those who are continuing their membership in the Society under Rule 50 be excused from filing the Statutory Declaration and application for exemption from insurance coverage."

Approved

CHANGE OF NAME

Lilli White requested that her name be changed on the Rolls of the Society to Lilli *Kurtz-White*, thus including her maiden name.

Richard Ross Michael Wozenilek requested that his name be changed on the Rolls of the Society to Richard Ross Wozenilek.

Ronald Maurice Giroux has advised the Society that he wishes to be called to the Bar under the name *Ronald Warren Lincoln*. Mr. Giroux has applied to the Court to change his name but the change will not be effected until 19th or 20th March. The Secretary recommends approval of the change in the Society's records subject to the filing of the Order of the Court effecting the change.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum respecting Law Associations which have sent in their Annual Returns for 1973. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

BARRISTERS DINING ROOM

By letter dated 5th March, 1974, Mrs. Margaret L. Bested tendered her resignation as Manageress of the Barristers Dining Room, effective 30th June, 1974.

Approved

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. FitzGerald

Your Committee met on Wednesday, the 6th day of March, 1974, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Borins, Chadwick, Cory, Fairbairn, FitzGerald, Grange, Harris, Levinter and Trepanier.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of January, 1974.

CONTROLLER'S REPORT

The Controller submitted a summary of Applications for the 10 months ended January 31st, 1974.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of February 1974.

The number of Legal Aid accounts received in February 1974 was 4307 which is a considerable increase compared to the number received in February 1973 which was 3833 and compared to the average number of accounts received per month in 1973 which was 3640.

The number of accounts settled in February 1974 was 2955 which is less than the average number of accounts settled per month in 1973 which was 3490.

It takes longer to settle an account since the November 30th, 1973 decision of Houlden, J. The effect of following his decision has been to revise each solicitor's account to apply the amended tariff to all services rendered after September 1st, 1973. The illness of one member of the staff has also contributed to the smaller production.

(b) *Re: Computerizing Accounts*

It takes approximately 2-3 months for a Legal Aid account to be processed for payment after it has been received. At least half of this time is due to the backlog of accounts built up in the Legal Accounts Department. The backlog is due to several factors which are chronic including staff turnover, a lengthy training period for new staff and vacations.

In the Edward Street office there was not sufficient space to increase the number of examiners. With the move to York Centre the space is now available and authorization has been requested and provision has been made in the 1974/75 budget for additional Accounts Examiners. However, in an effort to explore all ways of improving the service thought has been given to computerizing the payment of certain accounts where the services are covered by a block fee.

Miss Nancy Spooner, recently employed by the Plan as Systems Analyst, has been requested to do the necessary research to determine the feasibility of such computerization and report back to the Committee.

(c) The Legal Accounts Officer submitted a report for the month of February 1974 with respect to reviews and appeals.

SUB-COMMITTEE RE SECTION 17 (2) OF THE LEGAL AID ACT (CHARGE ON SUM RECOVERED)

A sub-committee consisting of Messrs. Lochead, Cory and Grange was appointed to consider the matter of the provisions of Section 17 (2) of the Act which places a charge on a recovery made by a client to the extent of the costs payable under the Act.

Your Committee has now reviewed in depth and approved a report submitted by the sub-committee.

DELIVERY OF LEGAL SERVICES IN NORTHERN ONTARIO

In August of 1973 the Legal Aid Committee at a special meeting held for the purpose in North Bay considered the problems in delivering legal services to northern communities which are often separated by great distances from the urban centres in which the practising Bar is chiefly located. Although the Committee was of the opinion that many of the problems encountered required further detailed study, it recommended that the Plan should make immediate provision for:

(a) the issuance of travel warrants, in the discretion of the local Area Director, to legal aid applicants and particularly Indians, in criminal matters;

(b) approval of the limited practice of some Area Directors of accepting long distance collect telephone calls from persons in remote regions urgently requiring legal advice;

(c) encouraging the establishment of native liaison officers at individual Indian reserves, trained to recognize legal problems and to assist in the immediate improvement of communication between the plan and native people.

The Committee further recommended that a special sub-committee be established to enquire further into the problems of delivering legal aid in Northern Ontario and to report back with recommendations to the full Committee. The sub-committee, consisting of:

P. S. FitzGerald, Q.C., Chairman
Peter deC. Cory, Q.C.
L. S. Fairbairn
Raymond Harris
William Maloney, Q.C.
George E. Wallace, Q.C.

was asked to consider, inter alia, the circumstances under which it may be appropriate for criminal duty counsel to undertake the full defence of accused persons in criminal proceedings, broadening the discretion of such duty counsel concerning matters of legal and/or financial eligibility for legal aid and permitting duty counsel to rely on local officials or other persons in the locality in assessing financial eligibility. The sub-committee was also to consider the means by which civil legal advice and assistance may be more effectively delivered in Northern Ontario.

The report of the sub-committee is submitted for approval in principle by Convocation.

APPOINTMENT OF AREA DIRECTOR
COUNTY OF WENTWORTH

Your Committee approved the appointment of Walter T. Stayshyn, Solicitor, Hamilton, as Area Director for the County of Wentworth to replace Frank S. Weatherston, Q.C., who has been appointed to the Supreme Court of Ontario.

The Wentworth County Law Association had recommended the appointment.

MEETING OF AREA DIRECTORS

A meeting of the Area Directors will be held on Thursday, April 4th and Friday, April 5th, 1974.

AREA COMMITTEES

Section 4 (1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Waterloo County

Mrs. J. J. Mewhinney, Alderman, City of Waterloo
Mr. Charles Wilson, Cambridge, Vice-Principal, Bluevale Collegiate Institute
Rev. Grant MacDonald, Minister, St. Andrews Presbyterian Church
J. J. Giffen, Solicitor, Kitchener
D. A. Thompson, Solicitor, Cambridge

Carleton County

Philip Killeen, Social Worker, Directory Family Studies
Lloyd V. Vineberg, President, Laroque Ltd.
Nancy B. J. Johnson, Solicitor

Resignations:

Norfolk County

F. M. Reid, Solicitor

Waterloo County

Dr. Frank Morgan
G. L. Greatrex, Solicitor
J. H. Jenkins, Solicitor
R. Kominek, Solicitor
H. L. Miller, Q.C.
W. K. Schwarz, Solicitor

Wellington County

George Goetz, Solicitor

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 7th day of March, 1974, at 9:30 o'clock in the forenoon, the following members being present: A. E. M. Maloney (Chairman) and Messrs. Cartwright, Cory, Fennell, Grange, Griffiths, Krever, O'Brien, Seagram, Strauss, Thom, Wallace, the Treasurer and the Secretary of the Society.

1. RULING 3—TOUTING, ADVERTISING AND SOLICITING

Your Committee had its attention drawn to several recent situations where it could be inferred that members of the profession were involved with commerical organizations in the promotion or organization of various types of seminars, lectures or similar events on legal matters. There was a full discussion as to the propriety of lawyers engaging in such promotion or organization. As a result of these deliberations, your Committee recommends that Ruling 3 of the Rules of Professional Conduct be amended by the inclusion under paragraph 2 which reads as follows:

> "2. Without limiting the generality of Rule 1 or the foregoing section of this Ruling, each of the following actions is improper for a member:"

of the following:

> "to promote or organize or participate directly or indirectly in the promotion or organization of seminars, lectures or similar events conducted under the sponsorship or nominal sponsorship of commerical organizations."

2. DISCRIMINATION

The question of discrimination was discussed. Your Committee recommends that the following be adopted as a Ruling of Professional Conduct on the matter of discrimination:

> "There shall be no discrimination by the lawyer on the grounds of race, creed, colour, national origin or sex in the employment of other lawyers or articled students or in other relations between him and his fellow members of the profession."

It was moved by Mr. Henderson, seconded by Mr. Cooper, that item 1 (Ruling 3 — Touting, Advertising and Soliciting) be referred back to the Committee for further consideration.

Carried

THE REPORT AS AMENDED WAS ADOPTED UNANIMOUSLY

Mr. Maloney, Chairman, presented the Report of the Professional Conduct Committee of its meeting on 27th February, 1974:

In December of 1973, the Chairman appointed a Sub-Committee to study the Preliminary Report of the Special Committee on Legal Ethics of the Canadian Bar Association.

Your Committee met on February 14th last, the following members being present: Mr. A. E. M. Maloney, Chairman, and Messrs. Carthy, Cory, Grange, Krever, O'Brien, Pepper, Seagram, Strauss and Thom; and on February 20th last, the following members being present: Mr. A. E. M. Maloney, Chairman, and Messrs. Carthy, Fennell, O'Brien, Pepper, Rogers, Strauss and Thom; to consider the Sub-Committee's Report.

After careful consideration, your Committee recommends that the Preliminary Report of the Special Committee be approved subject to certain suggested amendments which are set out in a schedule to the Sub-Committee's Report.

The Committee expresses its admiration for the excellence of the Preliminary Report.

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:55 P.M.

The Treasurer and Benchers were joined at luncheon by The Honourable Robert Welch, Q.C., Provincial Secretary for Justice and Attorney General for Ontario, present for the first time since becoming a Bencher ex officio.

CONVOCATION RESUMED AT 2:20 P.M.

A quorum being present, Convocation continued with its consideration of the Professional Conduct Committee Report of its meeting on 27th February, 1974.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—H. E. Harris

Your Committee met on Thursday, the 7th day of March, 1974, at 11:00 a.m., the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Borins, Grange, Wallace and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to February 28, 1974 were approved.

GIFTS AND DONATIONS

The following donation has been received:

H. H. Donald, Q.C., Toronto: 29 volumes of texts and statutes, including a presentation copy of W. M. Magwood's *The Ontario Land Titles Act*, signed by the author; and several loose parts of the Ontario Reports, 1968 to date.

Noted

SURVEY OF LAW LIBRARY RESOURCES

Mr. Grange was added to the special Sub-Committee to investigate the matter of annual and special grants for all of the County Law Associations. The Sub-Committee now consists of Professor Borins (Chairman), Messrs. Carley, Grange and Zahoruk, and Miss A. R. McCormick. The Committee approved of a proposed meeting between Professor Borins and Dean Friedland to discuss the needs and resources study of law libraries which is being done by the Federal Law Reform Commission.

AUDIO-VISUAL SERVICES IN THE GREAT LIBRARY

The Committee approved of the installation of the equipment for an audio-visual reference facility in the Great Library. There will be two sets of playback cassette records and two T.V. monitor receivers to be located in the north-west room off the Main Reading Room. The equipment will be used for a trial period and explanatory-print material will accompany the cassette publications.

GREAT LIBRARY—REORGANIZATION

The Committee approved of the installation of a special sign to be placed at the entrance of the text book section of the Reference Room, indicating that any who wish to borrow may do so. The Committee also approved that the Chief Librarian obtain from Mr. Heeney a cost estimate of removing the bars over the counter in the Reference Room and also of installing pull-out writing desks.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1973. The amounts of the grant to which they appear to be entitled under the Rules in 1974 and those which they received in 1973 are as follows:

		1973	*1974*
Cochrane	$1,665.00		
Less loan	300.00	$1,365.00	$1,665.00
Hamilton		2,000.00	2,900.00
Leeds-Grenville		1,040.00	1,145.00
Middlesex		2,000.00	2,000.00
Nipissing		1,220.00	1,290.00
Norfolk		940.00	919.67
Oxford		1,670.00	1,845.00
Perth		1,495.00	1,565.00
Welland		2,000.00	2,000.00
York		3,500.00	3,500.00

Approved, subject to the approval of the Finance Committee.

KENORA LAW ASSOCIATION SPECIAL GRANT

The Committee approved a motion to refer the request from Kenora Law Association for a special grant of $2,400.00 to the Sub-Committee investigating the annual and special grants chaired by Professor Borins.

REPORTING

DELAY AND ACCURACY IN PUBLICATION OF REASONS FOR JUDGMENT

The Committee approved an interim report from Professor Borins idicating that there is no delay between the release date of Court of Appeal and Supreme Court of Ontario Reasons for Judgment and the date on which they are received by the Law Society based on a one-month survey.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 7th day of March, 1974, at 10:30 a.m., the following members being present: Messrs. Strauss (Chairman), Cass, Cooper, Fennell, Sopha, Trepanier, Wallace and Zahoruk.

The Secretary was instructed to investigate a Notary Public who had given legal advice. The Secretary was also instructed to investigate a non-solicitor who had given legal advice.

The Committee considered the Reasons for Judgment in a case of a non-solicitor, Angus A. Campbell, and his limited company, Upper Canada Business Administrators Limited, which were convicted in Provincial Court of practising as a solicitor.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Cass

Your Committe met on Thursday, the 7th day of March, 1974, at 11:30 a.m., the following members being present: Messrs. Cass (Acting Chairman), Krever and Sopha.

Your Committee considered and recommended approval of lump sum payments to certain recipients of assistance from the Fund.

Six applications from students in the Bar Admission Course for grants were before the Committee. All six were approved.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 3:15 P.M.

Read in Convocation and confirmed this 19th day of April, 1974.

SYDNEY L. ROBINS
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday, 22nd March, 1974

11:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Cass, Chappell, Evans, Finlayson, Gray, Krever, Levinter, Lochead, Maloney, MacKinnon, Pattillo, Pepper, Rogers, Seagram, Slemin, Strauss and Thom.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Friday, the 22nd day of March, 1974, at 10:30 a.m., the following members being present: Mr. MacKinnon, Chairman, and Messrs. Borins, Cass, Finlayson, Krever, Maloney, Pattillo and Slemin.

EXAMINATION RESULTS — FIFTEENTH BAR ADMISSION COURSE

The report of the Director of the Bar Admission Course on the results of the examination is before the Committee showing that 118 have passed with honours, another 579 have passed and 22 have failed.

Approved

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Friday, the 22nd day of March, 1974, at 10:45 a.m., the following members being present: Mr. Cass, Chairman, Mr. Finlayson, Vice-Chairman, and Messrs. Borins, Krever, Lochead, MacKinnon, Pattillo, Pepper, Seagram, Slemin and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

A list is submitted of 694 candidates who have successfully completed the Fifteenth Bar Admission Course, have filed the necessary documents and paid the required fee of $210.00 and who now apply for call to the Bar and to be granted Certificates of Fitness.

Approved

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED AT 11:20 A.M.

The Treasurer and Benchers entertained at luncheon The Right Honourable Roland Michener, P.C., Q.C.; The Honourable Dalton C. Wells, Chief Justice of the High Court; His Honour Chief Judge W. E. C. Colter; The Honourable Mr. Justice Evans; The Honourable Mr. Justice Estey; Mr. Beverley Matthews, Q.C.; and Mr. James C. MacDonald, Q.C., Director of the Bar Admission Course.

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre.

CONVOCATION RESUMED at 2:00 P.M. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the graduates of the Fifteenth Bar Admission Course, a quorum being present.

The body of the auditorium was occupied by the graduates of the Fifteenth Bar Admission Course, their families and friends.

CONFERRING OF HONORARY DEGREE

Mr. B. J. MacKinnon, Q.C., Chairman of the Legal Education Committee, read the following Citation:

Mr. Treasurer — The Right Honourable Daniel Roland Michener enjoys wide renown based upon remarkable achievement in divers fields. The promise of early academic success was crowned by scholarly attainment; devotion to the practice of law has been rewarded by the satisfaction of over thirty years of service to his clients; the hazards of political contest were tempered by the confidence of the citizens and transformed by the wisdom of his colleagues who elected him Speaker of the House of Commons. His outstanding abilities, already tested and confirmed, were conspicuously engaged for the benefit and honour of his country when he was Canadian High Commissioner to India and pre-eminently when as Governor General he represented Her Majesty the Queen. In addition to these accomplishments he has, by striking example, encouraged athletic vigour and physical discipline.

Mr. Treasurer, I request you to exercise the authority vested in you by Convocation to admit Daniel Roland Michener to the degree of Doctor of Laws *honoris causa.*

The Treasurer then conferred the degree of Doctor of Laws *honoris causa* upon The Right Honourable Roland Michener.

The Treasurer introduced Mr. Michener who then addressed the graduates.

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. James C. MacDonald, Q.C., Director of the Bar Admission Course, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the Treasurer's Medal to:

Jeffrey Miles Blidner

and the following scholarships and prizes:

The Roland O. Daly Scholarship — Jeffrey Miles Blidner.

The Law Society First Prize — Ralph William Hayman.

The Law Society Second Prize; The Lady Reading Club Prize; The International Academy of Trial Lawyers Prize for Civil Procedure; and The S. J. Birnbaum, Q.C., Scholarships for Estate Planning: Second Prize (tie) — Alice-Anne Edith Morlock.

The Law Society Third Prize; and The Criminal Procedure First Prize — Norman Charles Loveland.

The Commerical Law and Company Law Prize — Peter Edward Spencer Jewett.

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning:
First Prize — Daryl William Schnurr;
Second Prize (tie) — James Thomas Beamish; Glen Frank Leslie.

The Arthur Wentworth Roebuck Award for Family Law — Peter Donald Quinn.

The William B. Common Prize for Criminal Procedure (tie) — Ronald Michael Dash; Randolph Douglas Mills.

The McCarthy Income Tax Prize (tie) — Laurence Arthur Pattillo; Donald Edward Salisbury.

and congratulated the following who have been given special appointments:

Law Clerks to The Honourable George A. Gale, Chief Justice of Ontario — William James Miller; Laurence Arthur Pattillo; Fred Allen Platt.

Law Clerks to The Honourable Dalton C. Wells, Chief Justice of the High Court of Ontario — Bruce Howard Blake; Barbara Joan McGregor; Fergus James O'Connor.

Law Clerks to His Honour Chief Judge W. E. C. Colter, Chief Judge of the County and District Courts for the Counties and Districts of Ontario — Morris George Dunko; Alan Stanley Harries.

Law Clerk to His Honour Chief Judge H. T. G. Andrews, Chief Judge of the Provincial Courts (Family Division) for Ontario — Roman Nicholas Komar.

CALL TO THE BAR

Mr. R. W. Cass, Q.C., Chairman of the Admissions Committee, presented to the Treasurer the candidates for Call to the Bar:

FIFTEENTH BAR ADMISSION COURSE 1973-74

THE FOLLOWING HAVE PASSED WITH HONOURS:

1. Jeffrey Miles Blidner — Awarded the Treasurer's Medal; The Roland O. Daly Scholarship.
2. Ralph William Hayman — Awarded The Law Society First Prize.
3. Alice-Anne Edith Morlock — Awarded The Law Society Second Prize; The Lady Reading Club Prize; The International Academy of Trial Lawyers Prize for Civil Procedure; The S. J. Birnbaum, Q.C., Scholarships for Estate Planning Second Prize (tie).
4. Norman Charles Loveland — Awarded The Law Society Third Prize; The Criminal Procedure First Prize.
5. James Thomas Beamish — Awarded The S. J. Birnbaum, Q.C., Scholarships for Estate Planning Second Prize (tie); Carl Barry Tarshis.

7. Lorne Ira Colt.
8. Barbara Joan McGregor; Kenneth Charles Morlock.
10. Fergus James O'Connor; Herbert Sherman Silber.
12. Laurence Arthur Pattillo — Awarded The McCarthy Income Tax Prize (tie);
13. Fred Allen Platt.
14. Glenn Frank Leslie — Awarded The S. J. Birnbaum, Q.C., Scholarships for Estate Planning Second Prize (tie); Sidney Lubelsky; Donald Edward Salisbury — Awarded The McCarthy Income Tax Prize (tie); Sidney Harold Troister.
18. Howard Mark Carr.
19. Peter Edward Spencer Jewett — Awarded The Commercial Law and Company Law Prize.
20. Lyle A. Sullivan.
21. William Earl Baker; Martin Jeffrey Rochwerg.
23. Morris George Dunko.
24. David John Gregory.
25. Ronald Michael Dash — Awarded The William B. Common Prize for Criminal Procedure (tie); John Robert Liss; Stephen Allen Weese.
28. Joseph Robert Alexandre Riopelle.
29. Gerald Bruce Lewis; Allan Bruce Waugh; Joseph Bruce Wilson.
32. William Allan Derry Millar.
33. Gino Morga.
34. Dennis Martin Brans; Wilfred McKinnon Estey; Peter Donald Quinn — Awarded The Arthur Wentworth Roebuck Award for Family Law; George Leslie Smith.
38. Daniel Jerome McNamara.
39. Wayne Gordon Beach; Stephen Walter Ireland; John David Allan Jackson.
42. Douglas Rhodes Chalke; Avi Wisebrod.
44. Robert Owen Hall; Bruce Warren Tinsley.
46. David John Mark Hamilton; Michael Miller Peterson.
48. Ronald Warren Lincoln.
49. Ben Martin.
50. Leonard Alksnis.
51. Eric Paul Polten; Daryl William Schnurr — Awarded

The S. J. Birnbaum, Q.C., Scholarship for Estate Planning First Prize.

53. Alan Ernest Wheable; William Stephen Zener.
55. Randolph Douglas Mills — Awarded The William B. Common Prize for Criminal Procedure (tie); Barbara Jane Thompson.
57. Alan Stanley Harries.
58. Patrick Michael O'Neil.
59. Lawrence Albert Bertuzzi; Richard Frank Grant.
61. John David Stirling.
62. Peter Whitman Hand; Leslie James O'Connor.
64. Garth Blair Cowper-Smith; Edmund Charles David Smith.
66. Donovan Jackson Blakeman; Felicia Sharon Folk.
68. Marc Etienne Landry.
69. Rupert Hugo Chartrand; Collin Gillies Lazier.
71. Murray Leroy Coulter.
72. Bruce Howard Blake; Michael Robert Dambrot.
74. Paul Gordon Fisher; William Alan Johnston; Brian Anthony Schnurr.
77. Patricia Julia Myhal.
78. William Richard Rauenbusch.
79. Robert Charles Stockey.
80. Arthur Murray Gans.
81. Michael Philip Spiro; Faye Louise Woodman.
83. Robert Karoly; Simon Rosenfeld.
85. John Guy Reid.
86. Stanley Gordon John Clapp; Paul Vandervet.
88. Irving Harvey Alter; Elliot Berlin; John Edward Gerard Gilgan; Peter Kenneth Libman; William Dennis Moss.
93. Gerald Bohdan Fedchun.
94. James Robert O'Donnell; James Michael Parks; Lawrence Dale Pringle; Paul Henry Shapiro.
98. David Robert Aston; Donald Scott Campbell; Bruce Thomas McNeely.
101. Victor Philip Michael Alboini; Robert Smith Harrison.
103. Paul James Davidson; Joel Leonard King.
105. Dennis Harry Asher; Wilfrid Menninga; Stephen Hershel Shub; Jack Michael Steinberg.

109. James Robert Gibson; George Edward Lloyd; Joseph Alphonse Donald Maurais; Paul Stephen Leslie Simon.

113. Thomas Douglas Brady; Lawrence Leo Dolecki; Wayne Campbell Gay.

116. Peter Millard; Charlotte Nellie Neff.

118. Denis Hedley Harrison.

THE FOLLOWING HAVE PASSED:

Gerald Bruce Aggus
Michael Vernon Basil Akai
Gordon Fraser Allan
Kenneth Michael Anders
David Rickey Angelson
Larry Anklewicz
Peter Brian Annis
Janis Apse
John Charles Argier
Brian Richard Baldwin
Curtis Leonard Barlow
Zubeida Barmania
Peter Alan Barnes
Ronald Byron Barrs
Roger Irvin Barton
John Henry Bateman
Roger Thomas Beaman
Andrew Stuart Beaubien
Leo Joseph Terrance Belanger
Keith Douglas Bell
Stephen Bellingham
Albrecht Wilhelm Albert Bellstedt
David Charles Besant
John Duncan Bice
Barrie Harold Black
David Allen Blair
Sheila Ruth Block
Wayne Leonard Boehler
Gerald Rodolphe Boivin
Ira Edward Book
Reuben Shelley Botnick
Lorie Aldo Bottos
William Joseph Garry Bracken
Katharine Ford Braid
Hubert Dean Bray
Alan William Breck
Peter Elford Brent
Stephen William Brett
Harry Pallette Brown
James Malcolm Brown
Michael Ronald Brown
Peter Ronald Brown
Gary Joseph Bruner
Robert Sirluck Bruser
David Bruce Buchanan
David Elliott Buckman
Neil Rex Helsby Burgess
John Philip Burley
Arthur Douglas Burns
Audrey Loeb Burns
Carmen Michael Anthony Bush
Theodore Raymond Byck
Donald Charles Calder
John Jessup Callan
Bruce Bartlett Campbell
Donna Marie Campbell
Faye Elaine Campbell
Neil John Campbell
John Adair Campion
Kenneth Canio Cancellara
John Samuel Canning
John Joseph Christopher Cardill
Rickland Anthony Ronald Carleton
John Samuel Harcourt Carriere
Christopher Anthony Carroll

Robert Warren Carter
Douglas Peter Cassino
Luciano Castura
Jonathan Stephen Chait
Charles Chaiton
Elloitt Chaplick
Carlo Bruno China
John George Chipman
Albert Stanley Julian Chodola
Michael Elliott Chodos
Robert Charles Christie
Donald Lee Citron
John Michael Clancy
Roger Lewis Clark
Michael James Clarke
John Michael Clow
Richard Alan Coad
Michael Edward Cobb
Howard William Cohen
Terence James Collier
Arichandra Motilal Coomaraswamy
John Howard Cooper
John Walter Cooper
Kathryn Reva Rose Cooper
Gordon William Corby
Robert William Hayden Cosman
Robert Wilfrid Côté
Bruce Edward Couchman
Kenneth John Coull
William Ross Counter
James Homer Francis Courtright
James Scott Cowan
Peter Brian Cozzi
John Austin Cranfield
David Ian Crocker
Gerald William Croft
Gerald Thomas Crowe
Timothy Arthur Culver
George Murray Cummins
Peter MacPherson Cunningham
Barrie James Curran
John Murray Daniels
Joseph Euclide Dennis Daoust
Stephen Roland Dattels
David Bruce Daubney
Paul Robert Davidson
Gordon Ross Davis
James Courtland Davis
John William Robert Day
John Michael Dean
Peter Vito DeJulio
Ronald Cyril Delanghe
Sylvia Victoria Demshar
John David DeSipio
Christopher John Desjardins
Kenneth Arthur Devereaux
Richard Joseph Dewsnap
Michael Richard Diamond
Alessandro Marino Di Cecco
William Inglis Dick
Richard Howard Dickinson
Desmond Hampden Dixon
Linda Silver Dranoff
Marshall Edward Drukarsh
Patrick Anthony Duco
Daphne Ann Dukelow
Brenda Allison Duncan
John Richard Dunn
Robert Gordon Durno
Mary Anne Eberts
William Rupert Edgar
Gordon William Edmiston
Robert Harold Edmonstone
William Elias
Edward Lindsey Elwood
Lawrence Alexander Eustace
Arthur Grant Evans
John David Daniel Evans
John William Evans
Robert Jack Falkins
Edward Wayne Farhood
Rodney James Farn
Michael Joseph Farrell
Zygmunt John Fenik

Dennis William Fenton
Barboura Ann Ferns
Gerald Samuel Fields
Harold Fink
Paul Taylor Fisher
Leo Bernard FitzPatrick
Julius Guilio Fleischer
Thomas Hugh Fleming
Douglas Melville Flett
Ronald Edward Folkes
James Forrester
Linda Dianne Fowler
Arnold Sholam Fradkin
George Alexander Fraser
Nigel Harvey Hugh Frawley
Bruce James Frazer
Paul Joseph French
Robert Clayton Allan French
Pauline Sylvia Friedman
Richard Lance Furlong
Terence Gregory Frederick Gain
Gerald Lorne Gall
Robert Wesley Gary Garcia
John Robert Gardiner
Alfred William Gariepy
Terry Garman
Samuel Anthony Garretto
Renato Michele Gasparotto
Douglas Laidlaw Gates
Mark Gauthier
David Robin Gemmill
Frank Edward Genesee
David Edward Gibson
Donald Kenneth Gibson
George Willoughby Gibson
Terry Lorne Gilbart
Lyon Gilbert
Alan Aaron Glass
Cameron Charles Robert Godden
Jerry Lee Goldberg
Marcel Goldfarb
Morris Goldstein
Sidney William Goldstein
Paul Peter Gollom
Brian Paul Goodman
Charles David Goold
John Peter Gorman
Krystine Theresa Grabowski
Darryl Alexandre Grandbois
Robert Douglas Grant
Robert Stuart Grant
Percy Glen Graves
Gerald George Henry Gray
Lionel Ralph Gray
Robert Lawson Graydon
Sydney Greenbaum
Brian Harold Greenspan
Jerome Lloyd Greenspoon
Aline Clémence Grenon
George John Gresko
Patrick Murray Griffin
John Joseph Griggs
Stanley Zalman Grossman
Hershel William Gryfe
Pierre-Marie Guindon
John Rolf Gustavson
Eli Gutstadt
Richard Keith Guy
Gordon Arthur Haase
Max Meyer Haberkorn
Frederick Halpern
Ronald John Harper
Joyce Harris
Edward William Hastings
Brice Vessy Hatt
Gary Edward Joseph Hauser
Stephen John Headford
William Edward Heelis
Paul Ralph Kyle Henry
Lyle Roy Hepburn
Paul Laurie Herbert
John Douglas Hillery
Mary Lynne Hogan
John Stanley Hood
Danuta Kazimiera Hoppe-Radomski

Margaret Gail Hordo
Robert Allan Horwood
Richard Arthur Humphrey
George Douglas Hunter
Terence Leigh Hunter
Brian Ernest Iler
Jerry Vincent Ingrassia
Edmond Irani
David Grant Isaac
Robert Ballantyne Isbister
Don Hammond Jack
Jan Douglas Jaluvka
Douglas Biggar James
Thomas Leonard James
George David Lee Jenkins
Stanley Joffe
Ian Charles Johnson
John Edward Johnson
Michael Meredith Johnston
Keith MacLeod Jones
Peter Junger
Russell Gordon Juriansz
Thomas Paul Jutzi
Marc Stanislas Kaczkowski
Anthony Paul Kafun
Gordon Edward Kaiser
David Kardash
John Karl Kebe
John Robert Kee
James Henry Keeling
Michael Alexander Kelen
Timothy Charles Kelly
Michael John Kemeny
Peter Franklin Kemp
Joel Watson Kennedy
Paul Edwin Kennedy
Peter Grant Kennedy
Tanya Ann Kennedy
Peter Jay Kent
Amnon Kestelman
Richard Ian Kesten
Richard Robert Ketcheson
Leon Kieselstein
John Douglas King
Roman Nicholas Komar
Benjamin Kopolovic
Kenneth Walter Koprowski
Harry Kopyto
George William Kostyshyn
Ronald William Kram
Lesley Patricia Kraus
Allan Angie Kreitzer
Steven Etienne Krupnik
Henry Carl Frank Kugler
Peter Jack Kuker
Lilli Kurtz-White
Howard Shayne Kutner
Wolfgang Horst Kyser
David Roy Lachance
Bartlett Frederick Lackie
Patrick John Lafrange
Guy Gordon Gaylord Laidlaw
Richard Lajoie
Michel Roger Lalonde
Lawrence Lamey
John Marc Hafezi Lamont
Garry Earl Joseph Lamourie
Alfred Lane
Richard John Lane
Aaron Lang
Seymour Joshua Langer
James Louis Laschuk
Douglas Geoffrey Lash
Jean-Gilles Lebel
Jennifer Margaret Leddy
Donald John Lees
George Allan Leigh
Norman Rene Lemyre
Michael Maurice Lerner
William James Leslie
Stanley Letofsky
Thomas Phillip David Levasseur
Leonard Levencrown
Howard Steven Levenson
Katherine Linda Levine
Ralph Michael Levine
Frank Liebeck

Victoria Ann Lindsay
Alan Ambrose Liston
Howard Lithwick
Howard Litowitz
Cameron McFarland Little
Peter Edwin Lockie
Albert Maxwell Lockyer
Kenneth Jeffrey Loeb
Randall Alvin Longfield
Douglas Allan Love
David Martin Low
Alan Joel Luftspring
Duncan Fraser MacDonell
Mary Louise MacGregor
Donald George MacIntosh
Robert Stuart Gordon MacKenzie
Christopher Douglas Mackintosh
Brian Richard Madigan
George Charles Magwood
James Charles Malvern
Ronald Dennis Manes
Joseph Markin
Austin Fraser Marshall
John Edward Mathany
Robert Beverley Matthews
Peter Lewis May
Murray Raymond Joseph Mazza
Randolph Joseph David Mazza
Michael Francis McCarron
Donald Bruce McChesney
Robert Douglas McCluggage
William Ronald McColm
Joseph LaValle McCormick
Rosemary Jean McCully
John William McDonald
Wilfred John McDonald
John Curtis McDonnell
Paul Thomas McEnery
Michael John McGarry
Robert Clair McGillen
Michael James McGuire
Michael James McHugh
James Russell Thomas McIntosh
William McKay McIntosh
Robert Donald McKerrow
Michael Geoffrey McLachlan
Murray Victor McMaster
Johan Ruth McMillan
William John McNeill
John Bannon McWilliams
David Russell Meadows
Gerard Matthew Meagher
Gary Kenneth Meanchoff
David Howard Medland
Karl Gerhard Melinz
Ruth Ellen Mesbur
Lucian Michaels
Vello Edwin Mijal
Duncan Robert Miller
Michael Barry Miller
William Douglas Miller
William James Miller
Joseph Pierre Armand Millette
John Fraser Bryce Mills
Frank Minich
Peter Shawn Mirsky
Joel Sydney Miskin
Robert Leo Monte
James Patrick Moore
John David Moore
Philip Hardwick Moreland
Dolores Marlene Morrell
Brian Mark Morris
John Edward Morris
Marvin Grant Morten
Samuel Simon Moskowitz
Samuel Allen Mossman
Bruce Alan Mowat
Charles Anthony Murphy
John William George Nanton
David Richard Neill

Jerry Michael Nesker
John Harry Nichols
Dieter Niebler
John Alexander Nixon
Robert Clifford Nixon
Edmond Alfred Joseph O'Hagan
William Charles O'Halloran
Melvin Olanow
Bruce Albert James Ormiston
Ross Allan Osmun
Albert Lothar Ostner
Robert Arthur Otto
Thomas William Ouchterlony
David Donald Alderwood Paget
William Samuel Painter
Gary Wayne Paisley
Janly Cho Lun Pang
Gregory Theodore Parker
Gary William Partington
Jeffrey Myron Paul
Craig Perkins
Norman Bruce Pickell
Lee Anthony Pinelli
Lorna Darby Pitcher
Gregory Alan Pockele
Mary Frances Poile
Ferdinando Polla
Robert John Potts
Andre Raymond Powers
David Arthur Powers
Zaharias Jack Constantinou Prattas
Martin James Prost
William Robert Prueter
Christopher John Punter
Donald Edward Ray
Paul Albert Reeder
John Marshall Reesor
Gary Frederick Reid
Gary Ralph Reid
Janet Margaret Agnes Reid
Philip Reinstein
Mary Margaret Stephanie Retty
Paul Urbain Rivard
Neil Meighen Robertson
Roy Clifford Robertson
Stuart McGregor Robertson
Georges Henri Robichon
Albin Robert Rogala
John Stewart Rogers
Ian Jonathan Roland
Gary Sidney Rossiter
James Barry Rotenberg
Friedhelm Roth
Robert Roth
David Mayer Rovan
Martin Lloyd Rubinoff
Wayne Allen Rumble
Christopher Hodgson Rutherford
Hugh Duncan John Ryan
Julia Ann Ryan
Leo Edward Ryan
Paul Charles Ryan
Glenn David Sacks
Benjamin Salamon
Andreino Sartor
Edwin Albert Sauer
John Sawatzsky
Nicodemo Scarfo
Melvin Walter Schwartz
Samuel Schwartz
Martin Sclisizzi
Charles Fremont Scott
Joseph Abraham Secter
Robert Frank Seiler
Andrew Julian Wasyl Semotiuk
Stephen Douglas Seon
Sander David Sera
Joseph Paul Servos
Stephen Leslie Shanfield
Neil Frederick Sharpe
Robert James Sharpe
Michael Edward Shea

Elizabeth Anne Sheffield
David Raymond Shelly
Bruce Robert Shilton
Richard Keith Simpson
Rosemary Ann Vondette Simpson
Terrence Lee Sims
Barry Singer
William Gordon Sirman
Robert Dickey Sloan
Brian Dennis Smith
Clarke George Smith
George Paul Smith
Michael Francis Smith
Paula Margot Smith
Gary Marvin Snider
Robert Craig Snyder
Marvin Somers
John Walker Spears
Michael-Angelo Spensieri
David Ernest Spicer
David Edward Spring
Melvin Arthur Springman
Franklin Denis Richard Squires
Charles Alexander Stafford
Larry Leroy Steacy
James Stanley Steele
Sheldon Paul Stein
Gary Lorne Steinberg
Joel Stern
Robert Carson Stevens
Robart Joseph Stoangi
John Joseph Michael Stoesser
Diane Carolyn Stortini
Michael Stanley Stratton
James Kenneth Strickland
Marcel Strigberger
George Struk
Richard Barton Strype
Andrew James Stuart
Alan Sugarman
John Alfred Sutton
John Zane Swaigen
Michael William Swinwood
William Goodeve Tatham
Paul Charles Taylor
Paul Michael Taylor
John Thomas Teal
Joel Emmanuel Tencer
William Lyle Howe Thatcher
Robert Merrill Thompson
Donald John Travers
Philip Jeffrey Traversy
Frederick Timothy Turner
Jean Elizabeth Turner
Harold Percy Unroth
Thomas Craw Uren
William Glover VanderBurgh
John Howell Van Duzer
John David Wake
Robert Wakefield
Douglas Fenley Walker
Barry Alvin Walters
Gerald Paul Wanhella
Gerald Lawrence Warner
Robert Leland Warren
Robert Galbraith Waters
Charles Aubrey Webb
Allen Wilfred Weinberg
Jan Darryl Weir
William Russell Weir
Robert Theodore Weseloh
Bruce Bernard White
Nicholas Robert White
David Scott Whitfield
Alan Clive Royston Whitten
Peter Heward Wilkie
Eric Anthony Clear Williams
Eric Rous Williams
Paul Charles Williams
Ronald Sydney Williams
John Robert Willms
Harris Stephen Wineberg
William Gordon Winsor
Eric Paul Wise
Leslie Aubry Wittlin

Gary Victor Wortley
Richard Ross Wozenilek
John Richard Wrigley
Robert Girvan Wynne
Irving Yaverbaum
Murray Robert Young
Bernard Zukerman

The Treasurer then conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION THEN ROSE

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable George A. Gale, Chief Justice of Ontario, presiding.

Mr. R. W. Cass, Q.C., presented the candidates to the Chief Justice who permitted them to take the usual oaths and to acknowledge their signatures on the rolls in the presence of the Court.

The Chief Justice then addressed the new barristers.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new barristers, their families and friends at a reception in the main lounge and ante-rooms at the O'Keefe Centre.

Read in Convocation and confirmed this 19th day of April, 1974.

Sydney L. Robins
Treasurer

MINUTES OF CONVOCATION

Friday, 19th April, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Carthy, Cartwright, Cass, Chappell, Cooper, Cory, Evans, Fennell, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Howland, Krever, Levinter, Lochead, O'Brien, Pattillo, Rogers, Sheard, Shepherd, Strauss, Thom, Trepanier, White, R. F. Wilson and Zahoruk.

The Minutes of Convocation of 15th March, 1974 and of Special Convocation of 22nd March, 1974 were read in Convocation and confirmed.

APPOINTMENT OF SPECIAL COMMITTEE ON MOTOR VEHICLE ACCIDENT COMPENSATION

The Treasurer referred to correspondence from the Ministry of Consumer and Commercial Relations of Ontario requesting the Society to make recommendations respecting the Report of the Ontario Law Reform Commission relating to the compensation of victims of motor vehicle accidents.

It was moved, seconded and carried that the Treasurer be authorized to appoint a Special Committee to consider the Report of the Ontario Law Reform Commission on Motor Vehicle Accident Compensation and to make recommendations in respect thereto.

The Treasurer appointed a Special Committee to be composed of Mr. W. D. Griffiths, Chairman, and Messrs. Cass, Henderson, O'Brien and White.

NOMINATIONS FOR TREASURER

The Treasurer advised Convocation that the Secretary had received two nominations for the office of Treasurer, Mr. Stanley E. Fennell of Cornwall and Mr. Stuart Thom of Toronto.

It was moved, seconded and carried that those who are unable to attend the May Convocation be permitted to vote by mail.

DISCIPLINE COMMITTEE—Mr. Thom

RE: LAURIE R. BARKER, Toronto

The solicitor did not attend nor was he represented by counsel. Counsel for the Society attended.

Convocation read the Decision of the Discipline Committee dated 26th September, 1973, wherein the solicitor was found guilty of misprofessional conduct in that he had, inter alia, misappropriated clients' trust funds.

Proof of service on the solicitor of the summons requiring his attendance before Convocation was filed.

It was moved, seconded and carried that the Decision of the Discipline Committee be accepted.

It was moved, seconded and carried that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

RE W. B. CUNNINGHAM, Parry Sound

The solicitor attended with his counsel. Counsel for the Society also attended.

Convocation read the Decision of the Discipline Committee dated 15th January, 1974, wherein the solicitor was found guilty of professional misconduct in that he failed to carry out his clients' instructions in a professional manner and failed to report in full to his clients.

Both counsel made submissions.

It was moved, seconded and carried that the Decision of the Discipline Committee be accepted.

It was moved; seconded and carried that Convocation by Order reprimand the solicitor in Convocation and that he be required to pay the expenses of the Society's investigation of his professional affairs and of the hearing.

The solicitor reserved his right of appeal.

Re: DENIS IVANHOE BOYLE, Ottawa

The solicitor attended with his counsel who advised Convocation that the solicitor accepted the Decision of the Discipline Committee and that counsel wished to speak to the question of penalty. Counsel for the Society also attended.

Convocation read the Decision of the Discipline Committee dated 4th February, 1974, wherein the solicitor was found guilty of professional misconduct in that he misappropriated clients' funds.

It was moved, seconded and carried that the Decision of the Discipline Committee be accepted.

Submissions with respect to penalty were then made by counsel for the solicitor.

It was moved, seconded and carried that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 11th day of April, 1974, at 9:30 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans (Vice-Chairman) as Chairman and Messrs. Carthy, Cartwright, Cory, Fennell, Krever, Lochead, Rogers, Seagram, Strauss and Thom.

RULING 3 — TOUTING, ADVERTISING AND SOLICITING

The following items appeared in the Committee's report for March, 1974:

> "Your Committee had its attention drawn to several recent situations wherein it could be inferred that members of the profession were involved with commercial organizations in the promotion or organization of various types of seminars, lectures, or similar events on legal matters. There was a full discussion as to the propriety of lawyers engaging in such promotion or organization. As a result of these deliberations, your Committee recommends that Ruling 3 of the Rules of Professional Conduct be amended by the inclusion under paragraph 2 which reads as follows:
>
>> '2. Without limiting the generality of Ruling 1 or the foregoing section of this Ruling, each of the following actions is improper for a member:'

of the following:

> 'to promote or organize or participate directly or indirectly in the promotion or organization of seminars, lectures or similar events conducted under the sponsorship or nominal sponsorship of commercial organizations.'

At that time Convocation directed that the matter be referred back to this Committee for further consideration."

The Committee authorized the Chairman to appoint a subcommittee to consider and report whether an addition to Ruling 3 is required to deal with this type of situation and if so, to recommend a revision of the wording of the proposed amendment that had been set out in the Committee's report of last March.

LAW CLERKS

A lawyer has asked the Committee whether it is proper for the inclusion of the names of law clerks on a firm's letterhead. The Secretary was instructed to advise that in the Committee's opinion, this would not be proper.

THE REPORT WAS ADOPTED

CONVOCATION THEN ADJOURNED FOR LUNCH AT 12:45 P.M.

The Treasurer and Benchers had as their special guest at luncheon The Honourable J. C. McRuer, Q.C., former Chief Justice of the High Court of Ontario, who was called to the Bar on 6th February, 1914. The Treasurer presented Mr. McRuer with a silver salver bearing the inscription "Presented to The Honourable James Chalmers McRuer on the Sixtieth Anniversary of his Call to the Bar of Ontario by the Treasurer and Benchers of The Law Society of Upper Canada on the nineteenth of April, One Thousand Nine Hundred and Seventy-Four".

CONVOCATION RESUMED AT 2:30 P.M., A QUORUM BEING PRESENT

LEGAL EDUCATION COMMITTEE—Mr. Grange

Your Committee met on Thursday, the 11th day of April, 1974, at 2:00 p.m., the following members being present: Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carthy, Cass, Cory, Gray, Henderson, Krever, Rogers, Sheard, Shepherd and Thom.

DIRECTOR'S REPORT

Petitions of Unsuccessful Candidates

22 students, out of 719 who entered the teaching term last September, were unsuccessful. Of the 22, 5 did not write all of the examinations either because of the results obtained in those that they did sit or for medical reasons. The remaining 17 did not pass the required number of examinations nor obtain the required overall average. At the time of this report, 3 petitions have been filed and notice has been given that most of the other petitions are on the way. All the petitioners are represented by counsel. Each petition will require to be heard.

Recommendations by Committee of Students

The Committee of Students has requested permission to address the Committee prior to the hearing of petitions in order to place before it recommendations concerning two sections of the Bar Admission Course and make other comments relevant to the conduct of the Course. It is suggested that a member of the Committee of Students should given evidence as a witness for the first petitioner.

Your Committee recommends that the Committee hear representations of the Committee of Students before the petitions are considered.

Donation of Bursaries

The Thomas More Lawyers' Guild of Toronto has donated two $100 bursaries for deserving students needing financial assistance to complete the Bar Admission Course.

Your Committee recommends that the bursaries be accepted and a formal letter of thanks sent to the President of the Guild, His Honour Judge F. J. Cornish.

SPECIAL PETITIONS

Your Committee considered three petitions. Two petitioners sought permission to defer entering the teaching portion of the Bar Admission Course, one to enter an LL.M. programme and the other to accept a position on the faculty of law of an approved law school. Both petitions were *approved.* The third petitioner wished permission to terminate his period of articles at the end of ten months to enable him to attend a summer course. This petition was *refused.*

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 11th day of April, 1974 at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Borins, Cooper, Grange, Lochead, Seagram, Sheard, Shepherd and Thom.

DIRECT TRANSFER

Your Committee had before it three applications for direct transfer to practise in Ontario, two from Alberta solicitors and one from a Manitoba solicitor. The applicants sought permission to proceed under Regulation 4(1). All three applications were *approved.*

TRANSFER FROM JURISDICTION OUTSIDE CANADA

Two applications for permission to proceed under Regulation 5 were before the Committee. One application from an English solicitor was *approved* and the other from a solicitor from India was *deferred* for further information.

SPECIAL PETITIONS

One petitioner asked permission to enter the Bar Admission Course as of September 1973. This petitioner failed his final year at Osgoode Hall Law School and appealed against the failure. In September 1973 he petitioned to enter the Bar Admission Course subject to the granting of his appeal and although your Committee recommended he be advised he was not qualified to enter the Course at that time, he commenced work with a solicitor as if under articles. The petition now submitted is accompanied by a letter from the Chairman of the Academic Standing Committee of Osgoode Hall Law School. The petition was *approved* subject to the petitioner filing proof of graduation by 30th June, 1974.

A second petitioner submitted information respecting his educational attainments and employment and asked to be called to the Bar and admitted as a solicitor without taking the Bar Admission Course. The Committee recommended that he be advised he does not qualify for call to the Bar in Ontario.

ADMISSION TO BAR ADMISSION COURSE

Your Committee considered enquiries from two persons with criminal records, one on parole and the other in penitentiary pending parole in July, asking whether their criminal records would preclude admission to the Bar Admission Course and subsequent admission to the practice of law in Ontario. The Committee recommended that they be advised that it is unlikely that they would satisfy the requirements.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 11th day of April, 1974, at 3:00 p.m., the following members being present: Messrs. Beament (Vice-Chairman in the Chair), Gray (Chairman), Fennell, H. E. Harris, Henderson, Levinter, Shepherd and Thom.

ACCOUNTS

The Secretary reports that from 1st March, 1974 to 31st March, 1974 accounts (including Library Accounts), properly approved, to the amount of $450,970.00 have been paid.

Noted

FINANCIAL STATEMENT, 1st September, 1973 to 31st March, 1974

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September, 1973 to 31st March, 1974.

Approved

REVISION OF 1973-74 BUDGET

A memorandum from the Society's Finance Administrator is before the Committee.

Approved, the revised budget to be presented to the April Convocation.

ROLLS AND RECORDS

The secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

John Wilson Burridge, Q.C., Woodstock	Called—29 June 1949 Appointed Provincial Judge, Criminal Division, County of Oxford—27 February 1974
Thomas George Street, Ottawa	Called—21 September 1939 Appointed Junior Judge, County of Middlesex—7 March 1974

Deaths

The following members have died:

Duncan Alexander McIlraith, Q.C., Ottawa (Life Member)	Called—20 October 1921 Deceased—29 January 1974
Murray Gordon, Q.C., Bermuda Isles (Life Member)	Called—23 May 1913 Deceased—5 March 1974
Frederick Armstrong Campbell, Q.C., Toronto (Life Member)	Called—20 May 1915 Deceased—27 March 1974
Stanley Walter Fediow, Toronto	Called—22 June 1960 Deceased—29 March 1974
Edward Hamilton Lancaster, Q.C., St. Catharines (Life Member)	Called—4 July 1912 Deceased—2 April 1974
James Ambrose Shea, Q.C., Toronto (Life Member and former County Court Judge—York)	Called—11 September 1919 Deceased—7 April 1974
George Murray Bray, Q.C., Kitchener	Called—20 June 1929 Deceased—5 April 1974

Noted

MEMBERSHIP UNDER RULE 50 — Retired Members

William Govier Tucker, Q.C., Toronto, who is sixty-five years of age and fully retired applies to continue his membership in the Society at a reduced annual fee of $25.

Approved

CHANGE OF NAME

Maureen Kleiman, Solicitor, requests that her name be changed on the Rolls of the Society to Maureen Kleiman *Saltman*, thus adding her married name.

Approved

ARREARS OF ANNUAL FEES

Under Section 36 of The Law Society Act, 1970, if a member fails to pay any fee or levy payable by him to the Society within four months of the day on which payment is due, he is liable to suspension for non-payment of fees. On 20th February, 1974 and on 23rd March, 1974, Notices of Overdue Fees, 1973-74, were mailed to those members in arrears. A list of 39 members who are still in arrears is before the Committee.

Your Committee recommends that those members who are still in arrears on 30th April, 1974, be suspended on 1st May, 1974 and from year to year thereafter until their arrears of fees are paid.

LIBRARIES AND REPORTING COMMITTEE

The Chief Librarian presents a memorandum listing the Associations which have sent in their Annual Returns for 1973. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules and which the Libraries and Reporting Committee will consider at its meeting on that date.

Approved subject to the approval of the Libraries and Reporting Committee.

THE REPORT WAS ADOPTED

MOTION TO SUSPEND — ARREARS OF ANNUAL FEES

It was moved, seconded and carried that those of the 39 barristers and solicitors whose names are on the list before Convocation and whose annual fees are still in arrears on 30th April, 1974, be suspended from practice on 1st May, 1974 for a period of one year, and from year to year thereafter, until their arrears of fees are paid.

DISCIPLINE COMMITTEE — Mr. Thom

Your Committee met on the 11th day of April, 1974 at 11:00 o'clock in the forenoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. E. Beament and Mr. G. H. Lochead (Vice-Chairmen), and Messrs. Cass, Chappell, Cooper, Cory, Evans, H. E. Harris, Henderson, Krever, Levinter, Rogers, Seagram, Shepherd and Strauss.

INVITATIONS TO ATTEND

On occasion when a lawyer has been Invited to Attend the Committee has been of opinion that a senior member of the lawyer's firm should be made aware of the Invitation. It has, therefore, been decided that when a Committee has heard the relevant facts they may in their discretion invite a partner or other senior member of the lawyer's firm to be present and that the hearing be adjourned to permit this to happen.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARIES—Mr. Thom

COMPENSATION FUND

For the period 1st September, 1973 to 28th February, 1974

	Month of Feb. 1974	*6 months ending 28th February, 1974*		
Balance on Hand, 31st Aug., 1973	$	$	$	$1,679,482.51
Receipts				
Fees	3,420.00		212,520.00	
Investment Income				
Gov. of Canada		16,750.00		
Guar. Deposit Receipt	6,357.71	32,213.65		
Bank Interest		7.24	48,970.89	
Recoveries				
M. Godo	100.00	$ 800.00		
G. R. Frame		8,313.60		
M. Gruson		172.62		
S. Resnick		77.82	9,364.04	270,854.93
	$ 9,877.71			$1,950,337.44
Disbursements				
Grants				
S. Caplan		$465,144.43		
A. Blotti		108,935.60		
H. A. Willis	6,000.00	6,000.00		
F. Bannon	9,100.00	9,100.00	$589,180.03	
Bank Charges			11.60	
Administration Expense			15,000.00	
Annual Fee Refund	420.00		630.00	
Counsel Fees, Reporters, etc.			4,118.12	608,939.75
	($5,642.29)			$1,341,397.69

Résumé of Gross Claims Outstanding

Claims received and not processed as of 31st January, 1974		$1,120,833.53
Received during month of February		23,300.00
		$1,144,133.53
Dismissed, withdrawn or written off during month of February	$12,430.03	
Settled by payment in whole or in part	15,100.00	27,530.03
**Claims received and in the course of being processed as of 28th February, 1974*		$1,116,603.50

*Blotti —	$186,057.02
Harris —	519,749.90
	$705,806.92

Total paid to 28th February, 1974 on account of 891 claims of 87 former solicitors	$3,185,459.59

THE SUMMARY WAS RECEIVED

COMPENSATION FUND

For the period 1st September, 1973 to 31st March, 1974

	Month of Mar. 1974	*7 Months ending 31st March, 1974*	
RECEIPTS			
Fees	$ 4,140.00	$	$ 216,660.00
Investment Income			
Government of Canada	1,125.00	17,875.00	
Guaranteed Deposit Receipt		32,213.65	
Bank Interest		7.24	50,095.89
Recoveries			
M. Godo	100.00	900.00	
G. R. Frame		8,313.60	
M. Gruson		172.62	
S. Resnick		77.82	9,464.04
TOTAL RECEIPTS	$ 5,365.00		$ 276,219.93
DISBURSEMENTS			
Grants			
S. Caplan	$	$465,144.43	
D. Bowman	50.00	50.00	
A. Blotti		108,935.60	
R. Cullen	30,759.00	30,759.00	
G. Mackay	300.00	300.00	
H. A. Willis		6,000.00	
F. Bannon		9,100.00	$ 620,289.03
Bank Charges		11.60	
Administration Expense		15,000.00	
Annual Fee Refund	30.00	660.00	
Counsel Fees, Reporters, etc.	1,192.80	5,310.92	20,982.52
TOTAL DISBURSEMENTS	$32,331.80		$ 641,271.55

EXCESS OF RECEIPTS OVER DISBURSEMENTS (OR DISBURSEMENTS OVER RECEIPTS)	($26,966.80)	($ 365,051.62)
BALANCE OF FUND — 31st August, 1973		1,679,482.51
BALANCE OF FUND — 31st March, 1974		$1,314,430.89

RESUME OF GROSS CLAIMS OUTSTANDING

Claims received and not processed as of 28th Feb., 1974		$1,116,603.50
Dismissed, withdrawn or written off during month	$ 3,142.82	
Settled by payment in whole or in part	31,109.00	34,251.82
*Claims received and in the course of being processed as of 31st March, 1974		$1,082,351.68

*Blotti —	$186,057.02
Harris —	519,749.90
	$705,806.92

Total paid to 31st March, 1974 on account of 896 claims of 88 former solicitors	$3,216,568.59

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 3rd day of April, 1974, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Barnes, Chadwick, Fairbairn, Ferrier, Finlayson, FitzGerald, Grange, Griffiths, Levinter and Lochead.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of February, 1974.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 11 months ended February 28th, 1974.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of March, 1974.

(b) The Legal Accounts Officer submitted a report for the month of March, 1974 with respect to reviews and appeals.

ADMINISTRATION — ONTARIO LEGAL AID PLAN

At the public hearings held by the Task Force it has been suggested that the Ontario Legal Aid Plan be administered by a crown corporation. Repeated recommendations have also been made that lay representation be added to the Legal Aid Committee and that lay representation be increased on the Area Committees.

The Committee suggested that the Treasurer of the Law Society and the Chairman of the Legal Aid Committee appear before the public hearings of the Task Force on April 29th, 1974, the Treasurer of the Law Society to speak on behalf of the profession with respect to the Ontario Legal Aid Plan and the Chairman to speak specifically for the Plan.

Your Committee viewed with favour the recommendation that lay representation be added to the Legal Aid Committee and noted that increased lay representation on Area Committees had been dealt with in the Community Legal Services Report.

SUB-COMMITTEE RE ISSUANCE OF CIVIL CERTIFICATES AND OPINION LETTERS

(*Section 58 of the Regulation*)

At the October, 1973 meeting a sub-committee, under the Chairmanship of W. D. Griffiths, was appointed to consider an amendment to Section 58 of the Regulation which would clearly enable Area Directors to require supportive reasoning from a solicitor on a legal aid opinion pertaining to a civil matter.

The sub-committee's report has been received and approved by your Committee.

PSYCHIATRIC PATIENTS' WELFARE ASSOCIATION

In October, 1973 Convocation approved a report of the Legal Aid Committee dealing with a proposed educational programme for duty counsel who will attend at psychiatric hospitals to assist patients with their legal problems and dealing with disclosure of the patients' records to duty counsel.

George E. Wallace, Chairman of the sub-committee appointed to deal with the matter, met with representatives of the Attorney General's Department and the Ministry of Health to discuss the said report, and subsequently he and Mr. Peter deC. Cory met with them to finalize the matter. It was agreed that the use of duty counsel in psychiatric hospitals be commenced as a pilot project for a six month trial period.

INJURED WORKMEN'S CONSULTANTS

Injured Workmen's Consultants requested the Ontario Legal Aid Plan to support their application to the Federal Government for an O.F.Y. grant. Professor Allen M. Linden advised that he had been associated for a number of years with this group which assists claimants and the Board in dealing with certain cases.

Your Committee on reviewing the application to the Department of Justice voted in favour of supporting the application.

MEETING OF LEGAL AID COMMITTEE OUTSIDE TORONTO

Your Committee approved the recommendation that the June meeting of the Legal Aid Committee be held on June 7th and 8th next in Windsor, Ontario.

GRAND JURY REPORT — GENERAL SESSIONS OF THE PEACE FOR THE JUDICIAL DISTRICT OF YORK

In February the Provincial Director received a copy of a report of the Grand Jury covering the General Sessions of the Peace for the Judicial District of York. The Grand Jury's report read as follows:

> "The Grand Jury is appalled at the extravagance and generosity of a system which appears to be loaded in favour of protection of the criminal rather than the citizen. Extravagant in terms of a colossal expenditure of the resources of heavily taxed citizens. Generous in the sense of a three-level trial system supported by legal aid paid from taxes — a trial system which stretches out for months if not years while a wide-open bail bond system leaves the accused free to continue his role of crime in the interval."

On March 18th, 1974, E. K. Pukacz, General Manager, wrote the Provincial Director requesting comments concerning the remarks of the Grand Jurors. Your Committee was of the opinion that the criticisms of the Grand Jury had nothing to do with the Ontario Legal Aid Plan and requested the Chairman to respond to Mr. Pukacz expressing this opinion.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective Area Committees:

Elgin County

James Alexander McBain, former Member of Parliament, County of Elgin

Jack Arnold Stollery, Deputy Sheriff, St. Thomas

Waterloo County

D. R. Lisso, Solicitor, Kitchener

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE — Mr. H. E. Harris

Your Committee met on Thursday, the 11th day of April, 1974, at 12 noon, the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Borins, Grange and Zahoruk, and Miss A. R. McCormick. Messrs. Krever and Burnett attended by invitation.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to March 31, 1974, were *approved.*

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1973. The amounts of the grants which they should receive under the Rules in 1973 and 1974 are as follows:

	1973	*1974*
Carleton	$2,000.00	$2,000.00
Huron	795.00	830.00
Kenora	835.00	803.33
Northumberland & Durham	1,470.00	1,545.00
Stormont, Dundas & Glengarry	1,145.00	1,110.00
Temiskaming	750.00	750.00
Waterloo	2,000.00	2,000.00

Approved

REPORTING

CANADA LAW BOOK — TABLE OF CASES

The Committee accepted the opinion submitted by Mr. G. F. Henderson that the Law Society had no right to copyright or other interest in the volume to be published by Canada Law Book Limited of a Table of Cases, listed alphabetically of cases reported in the Ontario Law Reports volumes 1 to 66.

ERRORS IN REASONS FOR JUDGMENTS IN ONTARIO REPORTS

The Committee recommended to Convocation that the following policy respecting reasons for judgment published in the Ontario Reports be adopted:

(1) That except for the addition of alternative citations no changes be made by the editor or the publisher in reasons for judgment submitted for publication in the Ontario Reports without the approval of the Judge who delivered the reasons, or of Mr. Justice Arnup, if there is difficulty or delay in communicating with the Judge concerned.

(2) A complaint by a Judge with respect to an error in the publication of reasons for judgment delivered by him should be referred to the editor of the Ontario Reports and not to the Chairman of the Committee. The editor will make a monthly report to the Chairman of the Committee as to any such complaints and the disposition of them. All of which is respectfully submitted. Dated the 11th of April, 1974.

Mr. Cartwright was not present, took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 11th day of April, 1974, at 11:30 a.m., the following members being present: Messrs. Strauss (Chairman), Cass, Chappell, Cooper, Fennell, Henderson and Zahoruk.

The Committee considered two matters involving non-solicitors closing real estate deals.

The Committee instructed the Secretary to retain counsel to prosecute an individual for an offence under Section 50 of The Law Society Act.

The Secretary reported that one case involving a non-solicitor presently before the Provincial Court had been adjourned.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST —Mr. Sheard

Your Committee met on Thursday, the 11th day of April, 1974 at 12:30 p.m., the following members being present: Mr. Sheard, Chairman, and Messrs. Carthy and Cass.

STUDENT APPLICATIONS

Applications for grants were received from three students. Your Committee recommends that no grants be made to these applicants.

APPLICATION

An application for a grant was received from the widow of a former member and your Committee recommends that her application be granted.

MISCELLANEOUS

An enquiry was received from the widow of a former member who is receiving a grant. She wished to know whether a change in her marital status would affect the grant she is receiving. Your Committee recommends that she be advised that upon remarriage she will no longer be eligible to receive a grant.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 4:10 P.M.

SYDNEY L. ROBINS
Treasurer

Read in Convocation and confirmed this 17th day of May, 1974.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

Friday, 17th May, 1974

10:00 a.m.

PRESENT:

Messrs. Beament, Borins, Carthy, Cass, Cooper, Cory, Fennell, Finlayson, Goodman, Grange, Gray, H. E. Harris, Henderson, Howland, Krever, Levinter, MacKinnon, O'Brien, Pallett, Rogers, Seagram, Sheard, Shepherd, Strauss, Thom, Trepanier, White, Williston and Zahoruk.

APPOINTMENT OF CHAIRMAN

Mr. Terence Sheard, Q.C., was appointed Chairman.

ELECTION OF TREASURER

Mr. Stuart Thom, Q.C., was elected Treasurer and took the Chair.

MINUTES

The Minutes of Convocation of 19th April, 1974 were read in Convocation and confirmed.

PERCY DIXON WILSON, Q.C.

The Treasurer noted with regret the death on 11th May, 1974 of Percy Dixon Wilson, Q.C., a Bencher Ex Officio of the Society since 1956. Mr. Wilson was called to the Bar on 23rd May, 1913 and at the time of his death was an Honorary Life Member of the Society.

ORDERS

The Secretary presented Orders of Disbarment, dated 19th April, 1974, respecting *Laurie Robert Barker* of the City of Toronto and *Denis Ivanhoe Boyle* of the City of Ottawa to be recorded in the Minutes of Convocation.

DISCIPLINE COMMITTEE—Mr. Beament

RE: W. B. CUNNINGHAM, Parry Sound

The time within which the solicitor might have appealed having elapsed, the solicitor attended and was reprimanded by the Treasurer.

RE: WILLIAM J. GREENING, Toronto

The Secretary read the Decision of the Discipline Committee dated 3rd April, 1974, which found the solicitor guilty of conduct unbecoming a barrister and solicitor in that he had been convicted of making false or deceptive statements in his Income Tax Returns.

Counsel for the solicitor did not dispute the Decision of the Discipline Committee and on motion duly made, seconded and carried, the Decision was accepted.

Counsel for the solicitor and for the Society made submissions respecting penalty.

On motion duly made, seconded and carried, Convocation by Order suspended the solicitor for a period of one year and required him to pay the expenses of the Society's investigation of his professional affairs and of the hearing in the amount of $1,500.

RE: E. LAWRENCE STONE, Toronto

The Secretary read the Decision of the Discipline Committee dated 30th April, 1974, which found that the solicitor was guilty of professional misconduct in that he received monies from clients for investment without disclosing that he had an interest in the borrowers and failed to advise his clients to obtain independent legal advice.

Counsel for the solicitor made submissions respecting the Decision. On motion duly made, seconded and carried, the Decision was adopted.

Counsel for the solicitor and for the Society made submissions respecting penalty.

On motion duly made, seconded and carried, Convocation by Order suspended the solicitor for a period of one year and required him to pay the expenses of the Society's investigation of his professional affairs and of the hearing in the amount of $5,000.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 9th day of May, 1974 at 2:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carley, Carthy, Cass, Cory, Finlayson, Gray, Henderson, Howland, Krever, Rogers, Sheard, Shepherd and Sopha.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Assistant Director in Charge of Continuing Education

Mr. James C. Nimmo, Assistant Director in charge of Continuing Education, resigned effective 28th June, 1974.

Assistant Director in Charge of Articling

Before further consideration is given to the applications for this position which have been received, it is suggested that the Committee may wish to seek out additional candidates.

Your Committee recommends that the Treasurer be asked to write to selected members of the Profession to enlist their assistance in suggesting suitable candidates and that the Director be asked to write to the Presidents of the County and District Law Associations.

Implementation of New Articling Regulations

Registration procedures have been modified to conform to the new regulations. The Director suggests that before a student is considered properly under articles and given provisional acceptance in the Bar Admission Course, the student should be required to file his application form and articles of clerkship and pay his fees.

Your Committee recommends that all students be notified that the period of articles does not begin to run until the student files his application form and articles of clerkship and pays his fees.

SPECIAL PETITIONS

Three petitions were before the Committee for consideration. Two petitioners sought permission to defer entering the teaching portion of the Bar Admission Course — one to enter a B.C.L. program and the other to take advantage of an award to enter an LL.M. program. Both petitions were approved. The third petitioner, a student serving under articles with a law firm, sought permission to include as service under articles a short period during which he had served with the Director of the Centre of Criminology of the University of Toronto. This petition was also approved.

Law Clerks — Regulations

The Institute of Law Clerks of Ontario has asked the Society to consider making regulations to define and govern the employment of barristers' and solicitors' clerks. Section 55(6) of the Law Society Act empowers the Society to do so.

Your Committee recommends that the Chairman be authorized to appoint a Sub-Committee to consider whether regulations under Section 55 (6) of the Law Society Act are needed and if so, what they should provide.

Articling Positions

Correspondence is before the Committee relating to the complaint of a third year law student that he was dealt with unfairly by a law firm to which he applied for an articling position.

Your Committee recommends that he be advised that the members of the profession will be reminded that quite apart from the contractual obligations of the articling relationship they have a professional obligation to be fair and courteous in all their relationships with students.

THE REPORT WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Grange

Your Committee met on two consecutive Mondays, May 6th and May 13th, 1974, for the purpose of considering student petitions arising out of the Fifteenth Bar Admission Course results, the following members being present: Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Sopha, Carthy, Henderson, Goodman and Finlayson.

The Committee, in hearing the petitions, was mindful of two specific recommendations contained in the Report of the Special Sub-Committee on Students' Appeals, which had been accepted by Convocation on January 18th, 1974. These recommendations provided that there would be no further appeals from the Committee to Convocation and that there was no obligation upon or encouragement of the Committee to give reasons for its decision, subject to the provision of section 17 of the Statutory Powers Procedure Act in the event of a request for reasons by the petitioning student.

Before hearing any of the individual petitions, your Committee heard submissions by two members of the Fifteenth Bar Admission Course Students' Committee respecting two examinations.

Your Committee received petitions from thirteen students. Each petitioner was represented by counsel and was afforded all the time necessary to present his or her case. During the presentation of each petition, Mr. J. C. MacDonald, the Director of the Bar Admission Course, was present to give any evidence which would assist the Committee. He was not present when the Committee deliberated.

Your Committee recommends that the petitions made by the following four students be granted and that they be called to the bar:

Suzanne Hillier
Gerald Amell
Robert Cullen
Steven Skolnik

Your Committee recommends that the petitions made by the other nine students be refused.

THE REPORT WAS RECEIVED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 9th day of May, 1974 at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Grange, MacKinnon, Seagram, Sheard, Shepherd and Sopha.

DIRECT TRANSFER

The Committee considered and approved the application of a Manitoba solicitor for direct transfer to practice law in Ontario.

REPORT OF EXAMINING BOARD

The report of the examination held in May 1974 was before the Committee. Four candidates sat the examination. Three passed and one failed.

REPORT OF EXTERNAL CREDENTIALS SUB-COMMITTEE

The Committee gave consideration to the Sub-Committee's report.

It is recommended that the Regulation be amended by deleting the whole of section 5. The effect of this would be to require every applicant for call to the bar in Ontario, except those proceeding by direct transfer from another Canadian jurisdiction or under Regulation 9, to graduate in a law course from a university in Canada which is approved by Convocation before entering the Bar Admission Course.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 9th day of May, 1974, at 3:00 p.m., the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Fennell, H. E. Harris, Henderson, Howland, Pallett, Sheard, Shepherd and Trepanier.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Frank Alexander Sargent, Thunder Bay	Called—22 March 1968 Appointed Provincial Judge, Criminal Division, Judicial District of Thunder Bay—24 April 1974
Roderick D. Clarke, Thunder Bay	Called—25 March 1966 Appointed Provincial Judge, Criminal Division, Judicial District of Thunder Bay—24 April 1974
Larry George DeKoning, Sudbury	Called—19 March 1970 Appointed Provincial Judge, Family Division, Judicial District of Sudbury —24 April 1974
Ronald Joseph Delisle Kingston	Called—22 March 1968 Appointed Provincial Judge, Criminal Division, County of Frontenac—24 April 1974

Deaths

The following members have died:

Thomas Douglas McMillan Latta, Don Mills	Admitted as a Solicitor on 20 May 1937 Deceased—22 April 1974
George Cameron Gage, Q.C., Hamilton (Life Member)	Called—19 June 1919 Deceased—22 April 1974
Edward Clarence Gordon, Toronto (Life Member)	Called—16 June 1921 Deceased—September 1973
Clarence Hunter Stabler, Q.C., Toronto	Called—19 June 1947 Deceased—3 May 1974
Norman Jabez Lynde, Toronto	Called—14 September 1951 Deceased—24 April 1974

Noted

MEMBERSHIP RESTORED

Colin E. Bennett, Q.C., Toronto, gave notice under Section 31 that he had resigned as Chief Judge of the County and District Courts of Ontario and as a judge effective 30th December, 1973 and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored effective 11th April, 1974.

Noted

CHANGE OF NAME

Sandra Jean Hassenfeldt, a solicitor practising in Brantford, requests that her name be changed on the Rolls of the Society to Sandra Jean *Harris,* her married name.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their Annual Returns for 1973. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules in 1973 and 1974 and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved subject to the approval of the Libraries and Reporting Committee.

CANADIAN BAR ASSOCIATION —
ANNUAL MEETING, TORONTO,
AUGUST 26-29, 1974

The Society has been asked to give a reception at the Royal York Hotel during the Annual Meeting of the Canadian Bar Association. An estimate of the cost has been obtained. It has been approved in principle by the Treasurer and the Chairman.

Approved

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Krever

Your Committee met on the 9th day of May, 1974, at 9:30 a.m., the following members being present: F. J. L. Evans (Vice-Chairman) acted as Chairman, and Messrs. Cory, Fennell, Goodman, Grange, Krever, Pallett, Rogers, Seagram, Sedgwick and Strauss.

In response to an enquiry from a solicitor, your Committee was of the view that a solicitor should not have made reference in court to previous negotiations unless he had indicated to the opposing counsel at the time those negotiations were being carried on that he would subsequently inform the court.

Your Committee had brought to its attention complaints that excessive fees for discharges of mortgage are being requested by lawyers for mortgagees, without justification. Your Committee was of the opinion that a mortgagor should be charged a discharge fee related only to work necessarily done to prepare a simple discharge. A lawyer should not insist that the mortgagor pay all or part of additional fees if extra time is spent because of difficulties which are the mortgagee's responsibility.

The Committee was of the view that in circumstances brought to its attention the lawyer owed no further obligation to the client and that he should get off the record. Your Committee was concerned that the lawyer in his letter to the Society had given the client's name and instructed the Secretary to inform the lawyer that this should not be done when seeking guidance from the Society.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—

Mr. H. E. Harris

Your Committee met on Thursday, the 9th day of May, 1974, at 12:00 noon, the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Borins, Grange and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

Donations have been received from Donald L. Campbell, Q.C., and John D. Honsberger, Q.C.

REMOVAL OF GRILLE FROM REFERENCE ROOM

The Committee approved the removal of the door from the Reference Room for a month on a trial basis.

The Committee gave consideration to two drawings with cost estimates for partial removal of the bars on top of the counter in the Reference Room. Neither was approved.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1973. The amounts of the grants which they should receive under the Rules in 1973 and 1974 are as follows:

			1973	1974
Lanark			$1,040.00	$1,110.00
Peel		$2,000.00		
	Less loan*	600.00	1,400.00	2,000.00
Renfrew			945.00	1,075.00
Wellington			2,000.00	2,000.00

* Loan paid in full — 1973

Approved.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Pallett

Your Committee met on Thursday, the 9th day of May, 1974, at 11:30 a.m., the following members being present: Messrs. Strauss (Chairman), Cass, Fennell, Henderson, Pallett, Sopha, Trepanier and Zahoruk.

The Secretary reported on the progress of several current matters.

A large number of matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE TO CONSIDER AMENDMENTS TO THE COMBINES INVESTIGATION ACT

Mr. Henderson, Chairman, presented the Report of the Special Committee to consider Amendments to the Combines Investigation Act.

Stand

APPOINTMENT OF SPECIAL COMMITTEE RE EMPLOYMENT STANDARDS ACT

It was moved, seconded and carried that the Treasurer be empowered to appoint a Special Committee respecting the Employment Standards Act.

The Treasurer appointed Mr. Gray as Chairman with Mr. Rogers.

APPOINTMENT OF SPECIAL COMMITTEE RE LAND SPECULATION TAX ACT AND LAND TRANSFER TAX ACT

It was moved, seconded and carried that the Treasurer be empowered to appoint a Special Committee respecting the Land Speculation Tax Act and the Land Transfer Tax Act.

The Treasurer appointed Mr. Henderson as Chairman and Messrs. Chappell, Finlayson and Strauss.

CONVOCATION THEN ROSE AT 4:05 P.M.

Read in Convocation and confirmed this 21st day of June, 1974.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

Friday, 21st June, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Borins, Bowlby, Carley, Carthy, Cartwright, Cass, Cooper, Cory, Evans, Finlayson, FitzGerald, Goodman, Grange, Gray, H. E. Harris, Henderson, Howland, Krever, Levinter, Lochead, MacKinnon, O'Brien, Pallett, Pepper, Seagram, Sheard, Shepherd, Sopha, Strauss and Trepanier.

MINUTES

The Minutes of Convocation of 17th May, 1974 were read in Convocation and confirmed.

INVITATION TO HER MAJESTY THE QUEEN MOTHER

The Treasurer informed Convocation that on behalf of the Benchers an invitation had been extended to Her Majesty Queen Elizabeth, The Queen Mother, to be the guest of the Benchers and the Society during her visit to Toronto in June.

It was moved, seconded and carried that Her Majesty Queen Elizabeth, The Queen Mother, be Called to the Bar of Ontario and made an Honorary Bencher of the Law Society of Upper Canada.

ELECTION OF BENCHER

The election of Mr. Stuart Thom, as Treasurer at the May Convocation caused a vacancy in Convocation to be filled pursuant to Section 22(2) of The Law Society Act, 1970.

It was moved, seconded and carried that Mr. *Robert John Stevens Gray* be elected a Bencher to fill the vacancy in Convocation.

APPOINTMENT OF AUDITOR

It was moved, seconded and carried that Messrs. Clarkson, Gordon & Company be appointed Auditors of the Society for the period of one year from 1st July, 1974.

CANADIAN BAR ASSOCIATION

It was moved, seconded and carried that the Treasurer and Mr. R. W. Cass be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1974.

FEDERATION OF LAW SOCIETIES OF CANADA

It was moved, seconded and carried that the Society's representatives to the Federation of Law Societies of Canada be the Treasurer and Mr. W. G. Gray and if a vacancy should occur, that it be filled by the Secretary of the Society.

ADVISORY COMMITTEE ON COMPREHENSIVE REVIEW OF PLANNING LEGISLATION IN ONTARIO

It was moved, seconded and carried that Mr. J. J. Carthy be appointed the Society's representative on the Advisory Committee on Comprehensive Review of Planning Legislation in Ontario and that he be authorized to designate an alternative representative to serve in his absence.

APPOINTMENT OF STANDING COMMITTEES—

MR. MACKINNON

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted was held on Thursday, the 13th day of June, 1974, at 4:00 p.m., the following being present: The Treasurer and Messrs. Bowlby, Cass, Chappell, Evans, Finlayson, Grange, Gray, H. E. Harris, Lochead, Maloney, MacKinnon, Seagram and Strauss. They recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE: Messrs. Beament, Cartwright, Fennell, Goodman, Gray, Harris, H. E., Harris, W. E., Henderson, Howland, Levinter, MacKinnon, Pallett, Pattillo, Pepper, Sheard, Shepherd, Sopha, Trepanier, Wilson, Zahoruk.

2. LEGAL EDUCATION: Messrs. Borins, Bowlby, Carley, Carthy, Cass, Cory, Finlayson, Goodman, Grange, Gray, Griffiths, Henderson, Howland, Krever, Maloney, MacKinnon, Pattillo, Rogers, Sheard, Shepherd, Slemin, Sopha, White.

3. ADMISSIONS: Messrs. Beament, Borins, Cartwright, Cass, Cooper, Finlayson, Grange, Lochead, MacKinnon, Pattillo, Pepper, Seagram, Sheard, Shepherd, Slemin, Sopha, Williston.

4. DISCIPLINE: Messrs. Beament, Borins, Bowlby, Carley, Carthy, Cartwright, Cass, Chappell, Common, Cooper, Cory, Evans, Finlayson, Goodman, Grange, Gray, Griffiths, Harris, H. E., Harris, W. E., Henderson, Krever, Levinter, Lochead, Maloney, MacKinnon, McCulloch, O'Brien, Pallett, Pattillo, Pepper, Rogers, Seagram, Seymour, Shepherd, Slemin, Strauss, Trepanier, Wallace, White, Williston.

5. PROFESSIONAL CONDUCT: Messrs. Bowlby, Carthy, Cartwright, Chappell, Cory, Evans, Fennell, FitzGerald, Goodman, Grange, Griffiths, Krever, Lochead, Maloney, MacKinnon, O'Brien, Pallett, Pepper, Raney, Robinette, Rogers, Seagram, Sedgwick, Slemin, Strauss, Wallace.

6. LIBRARIES AND REPORTING: Messrs. Borins, Carley, Clement, Grange, Harris, H. E., Maloney, Rogers, Seagram, Sheard, Shepherd, Wallace, White, Zahoruk.

7. UNAUTHORIZED PRACTICE: Messrs. Bowlby, Cartwright, Cass, Chappell, Cooper, Fennell, FitzGerald, Henderson, Pallett, Sopha, Strauss, Trepanier, White, Zahoruk.

8. PUBLIC RELATIONS: Messrs. Bowlby, Carley, Chappell, Harris, W. E., Henderson, Krever, Lochead, Pattillo, Rogers, Wallace, White.

9. LEGAL AID: Messrs. Borins, Bowlby, Carley, Carthy, Cass, Common, Cooper, Cory, Finlayson, FitzGerald, Grange, Griffiths, Henderson, Levinter, Maloney, MacKinnon, Trepanier, Wallace, White.

Non-Bencher Members: Messrs. Barnes, R. E., Chadwick, J. B., Fairbairn, L. S., Ferrier, L. K., Harris, C. R., Maloney, A. W.

10. LEGISLATION AND RULES: Messrs. Beament, Chappell, Common, Cory, FitzGerald, Goodman, Harris, W. E., Henderson, Krever, O'Brien, Pattillo, Sheard, Wilson, Zahoruk.

THE REPORT WAS ADOPTED

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation then adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen. The following were elected:

FINANCE: Chairman, W. G. Gray; Vice-Chairman, A. E. Shepherd.

LEGAL EDUCATION: Chairman, B. J. MacKinnon; Vice-Chairmen, S. G. M. Grange and Horace Krever.

ADMISSIONS: Chairman, R. W. Cass; Vice-Chairman, G. D. Finlayson.

DISCIPLINE: Chairman, G. H. Lochead; Vice-Chairmen, R. I. Cartwright and E. A. Goodman.

PROFESSIONAL CONDUCT: Chairman, Arthur Maloney; Vice-Chairmen, H. G. Chappell and F. J. L. Evans.

LIBRARIES AND REPORTING: Chairman, H. E. Harris; Vice-Chairman, C. J. Seagram.

UNAUTHORIZED PRACTICE: Chairman, Nathan Strauss; Vice-Chairman, S. E. Fennell.

PUBLIC RELATIONS: Chairman, G. F. Henderson; Vice-Chairman, R. H. Carley.

LEGAL AID: Chairman, J. D. Bowlby; Vice-Chairmen, P. S. FitzGerald and G. E. Wallace.

LEGISLATION AND RULES: Chairman, G. E. Beament; Vice-Chairman, P. deC. Cory.

APPOINTMENTS TO RULES COMMITTEE OF THE SUPREME COURT OF ONTARIO

It was moved, seconded and carried that the Society's representatives on the Rules Committee of the Supreme Court of Ontario for a further three-year term commencing 1st July, 1974 be Messrs. R. J. Rolls, J. J. Carthy and G. D. Finlayson.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

The Committee met on Thursday, the 13th day of June, 1974, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Cass, Cory, Gray, Krever, Shepherd and Sopha.

ARTICLED STUDENTS-AT-LAW

Enquiries have been received by the Director from students articled to lawyers practising in the corporate and commercial fields of law as to what matters they are permitted to handle both in the office and independently. The matter was also raised indirectly in a letter from a student under articles who complained about the conduct of a solicitor who had failed to honour an undertaking at the closing of a real estate transaction. The Committee is requested to give consideration to the formulation of a policy to be defined and announced in a way similar to that set down for articled students respecting litigation which was published in the Ontario Reports in July 1971 and which has been included in the Student's Pocket Handbook since 1972.

The Committee appointed a sub-committee comprised of Messrs. Rogers (Chairman), Carley and Shepherd to consider the matter.

Sub-Committee on Bar Admission Course and Articling

The Committee had before it the Report of the Sub-Committee on Bar Admission Course and Articling with respect to a pilot regional Bar Admission Course. The following recommendations were made in Committee:

1. That a pilot project in regionalization begin in Ottawa in September 1975 and in London in September 1976.
2. That the Alpha Sub-Committee be extended to include the Secretary, representatives of the Heads of Sections, officers of the Course and students; that it should meet regularly semi-monthly, advise the Director when needed, and report monthly to the Legal Education Committee, with power in the Chairman of the Sub-Committee to add.
3. That the Bar Admission Course operate under a budget without the need to seek permission for day-to-day expenditures.

The Committee approved items 1 and 2 and approved item 3 in principle, subject to the approval of the Finance Committee for the purpose of seeing that the Finance Committee retains financial control.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

The Committee met on Thursday, the 13th day of June, 1974, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, Grange, MacKinnon, Shepherd and Sopha.

Call to the Bar and Certificate of Fitness

Bar Admission Course

The following candidates, having successfully completed the Fifteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, now apply for Call to the Bar and to be granted a Certificate of Fitness:

Suzanne Leslie Hillier
Gerald Ambrose Amell
Robert Anthony Paul Cullen
Steven Henry Skolnik

Approved

TRANSFER FROM ANOTHER PROVINCE

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416, now apply for Call to the Bar and to be granted a Certificate of Fitness:

Ian Alexander Blue	Alberta
Frank Douglas Jones	Alberta
Carl Olof Lindberg	Saskatchewan

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Three candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1973.

Approved

DIRECT TRANSFER

The Committee had before it four applications from solicitors from other provinces for direct transfer to practise in Ontario. The application of one British Columbia solicitor was premature and your Committee recommended that he be so advised. The application of a Nova Scotia solicitor who asked permission to proceed under Regulations 3(1) and 4(1) complied with the requirements and the Committee approved it.

The other two applicants, a Manitoba solicitor and a British Columbia solicitor, sought permission to proceed under Regulation 4(1) and asked if time spent at Harvard Law School to obtain an LL.M. degree and time spent at the University of London respectively would bring them within the required years of practice as required by the Regulation. Your Committee recommended that they be advised that time spent in academic studies cannot qualify as practice within the meaning of the regulation.

TRANSFER FROM JURISDICTIONS OUTSIDE CANADA

A United States lawyer asked if the years he has spent managing his farmland and personal legal transactions in Illinois could be considered as active practice of law as required under Regulation 5. Your Committee recommended that he be advised that the work he has been doing is not active practice within the meaning of the Regulation.

The Committee considered an application for permission to proceed under Regulation 5 from a member of the Bar of the Republic of the Philippines, and recommended that the applicant be advised that he does not qualify to proceed under Regulation 5.

Eight applications which the Committee had referred to the External Credentials Sub-Committee were referred back to the Committee for final decision. The Committee recommended that the applicants be advised that they have not satisfied the requirements of Regulation 5(1) and that they may appear before the Committee if they wish to do so.

BAR ADMISSION COURSE

An applicant from Uganda who expects to receive an LL.B. degree from an approved Canadian university this fall asked if the five months he worked as a law clerk in 1973 could be considered as part of the articling period to allow him to enter the teaching portion of the Bar Admission Course in September. The Committee recommended that he be advised that he must complete the Bar Admission Course including the full articling period.

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Gerald Ambrose Amell
Robert Anthony Paul Cullen
Suzanne Leslie Hillier
Steven Henry Skolnik
Ian Alexander Blue
Frank Douglas Jones
Carl Olof Lindberg

FINANCE COMMITTEE—Mr. Gray

The meeting of your Committee scheduled to take place on Meeting Day, 13th June, 1974, was adjourned until Tuesday, the 18th day of June, 1974, at 11:00 a.m. The Committee met on the adjourned date, the following members being present: Messrs. Gray (Chairman), Fennell, H. E. Harris, Howland, Levinter, MacKinnon, Pallett, Pepper, Shepherd and Trepanier.

ROLLS AND RECORDS

Appointments to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society was placed in abeyance upon his assuming office:

Roch Lalande, Q.C., Hawkesbury	Called — 15 March 1957 Appointed Provincial Judge, Family Division, Counties of Prescott and Russell — 8 May 1974

Deaths

The following have died:

Harold Mador, Q.C., Toronto	Called — 21 June 1945 Deceased — 15 April 1974
Alastair John Polson, Q.C., Hamilton (Life Member)	Called — 20 October 1921 Deceased — 9 May 1974
Percy Dixon Wilson, Q.C., Willowdale (Bencher Ex Officio and Honorary Life Bencher)	Called — 23 May 1913 Deceased — 11 May 1974
Kenneth Borden Palmer, Q.C., Toronto	Called — 16 September 1929 Deceased — 13 May 1974
William John Hare, Whitby	Called — 21 September 1933 Deceased — 25 May 1974
Robert Baldwin Fordyce Barr, Q.C., Toronto	Called — 21 June 1928 Deceased — 4 June 1974
Percy John Stanley Adlam, Toronto	Called — 26 March 1965 Deceased — 5 June 1974
Maxwell Clive Purvis, Q.C., Toronto (Honorary Life Member)	Called — 20 May 1915 Deceased — 5 June 1974

Noted

RESIGNATION

James Somerset Graham, Q.C., of Toronto, applied for permission to resign his membership in the Society and submitted his Declaration in support with a request that he be relieved of the requirement of publication in the Ontario Reports.

Approved

CHANGE OF NAME

Tanya Ann Kennedy, a solicitor practising in Toronto, requests that her name be changed on the Rolls to Tanya Ann *Esih* Kennedy, thus including her maiden name.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Law Libraries — Annual Grants

The Chief Librarian presents a memorandum listing the Associations which have sent in their Annual Returns for 1973. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules in 1973 and 1974 and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

LEGAL EDUCATION COMMITTEE

Sub-Committee on Bar Admission Course and Articling

As a result of its consideration of the Report of this Sub-Committee, the Legal Education Committee will make the following recommendation to Convocation, subject to the approval of the Finance Committee:

> "That the Bar Admission Course operate under a budget without the need to seek permission for day-to-day expenditures."

This Committee recommends that guidelines for the administration of budgets for the Bar Admission Course and Continuing Education which are before Convocation be approved.

THE REPORT WAS ADOPTED

The Committee met on Tuesday, the 18th day of June, 1974, at 11:00 a.m., the following members being present: Messrs. Gray (Chairman), Fennell, H. E. Harris, Howland, Levinter, MacKinnon, Pallett, Pepper, Shepherd and Trepanier.

BUDGET — 1974-75

The Committee considered in detail the estimates of the Standing Committees and the estimated general receipts and disbursements, approved the budget in principle and recommends the budget which is before Convocation.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Gray

The Committee met on Thursday, the 13th day of June, 1974, the following members being present: Mr. Gray, Mr. Cory and Mr. Honsberger, the Curator. Mr. Gray acted as Chairman in the absence of Mr. Sedgwick.

PORTRAIT OF THE LATE CHIEF JUSTICE CAMPBELL

The Committee received a report on the portrait of the late Chief Justice Campbell.

Campbell House, which is owned by the Advocates' Society, is to be opened by Her Majesty Queen Elizabeth, The Queen Mother, on 28th June. The Law Society owns a portrait of Chief Justice Campbell. It has been suggested that the Society might lend the painting to the Advocates' Society to hang in Campbell House, upon the understanding that if at any time in the future the Advocates' Society no longer wished the portrait to hang there, it would be returned to the Law Society.

Approved

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCH AT 12:40 P.M.

The Treasurer and Benchers had as their special guest at luncheon Mr. Richard S. Malone, Publisher and Editor-in-Chief of The Globe and Mail, Toronto.

CONVOCATION RESUMED AT 2:20 P.M., A QUORUM BEING PRESENT

DISCIPLINE COMMITTEE—Mr. Lochead

ANNUAL SUMMARY

During the year 1973 there were 1,164 matters dealt with by the Society.

The Discipline Committee met during the year 1973 for a total of thirty-five days to deal with discipline matters and six and a half days to deal with Compensation Fund matters.

The Complaints that were still pending at the end of 1972 were disposed of as follows:

3 — Disbarments
1 — Reprimand in Convocation
2 — Reprimands in Committee
2 — Not established
4 — Not proceeded with
4 — Presently before the Courts
5 — Pending

21

During the year 1973 forty-nine Complaints were served on members of the Society and these have been disposed of by the Committee as follows:

1 — Disbarment
2 — Reprimands in Convocation
17 — Reprimands in Committee
1 — Withdrawn
10 — Not established
4 — Not proceeded with

35

In addition:

14 — Matters pending

Also:

12 — Invited to Attend before the Discipline Committee

1,082 questions as to lawyers' conduct were considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Discipline Committee. These complaints were categorized as set out below. It is to be noted that in some instances a complaint does fall into two or more of the categories.

Nature of Complaints

Solicitor's failure to fully explain transaction	451
Solicitor's delay with justification	158
Solicitor's delay without justification	155
Client's complaint about fees	116

Allegations that solicitors were negligent	63
Any other questions of law	217
Solicitor's failure to honour an undertaking	3
Complaints involving lawyers who have passed away	2
Complaints of misrepresentation, i.e., failure of solicitor to follow instructions or solicitor deliberately deceiving client but which would not constitute negligence	20
Complainant not represented by solicitor complained about and needed to be advised of rights; complainant advised to ascertain rights	19
Solicitor's failure to meet financial obligations as envisaged by Ruling 32 of the Rules of Professional Conduct	32

Of the 1,082 complaints, 67 were made by lawyers against other lawyers and 45 were referred to Benchers for consideration.

. . . .

Total Grants paid out of the Compensation Fund during 1973	$591,940.71
Counsel fees, reporters, transcripts, etc.	$ 47,184.77

Paid out of General Discipline Account:

Trusteeship pursuant to s. 43 (1)		$ 5,000.00	
Investigation by Auditors		12,443.50	
Investigators		976.55	
Counsel Fees		52,360.93	
Reporters		4,631.00	
Miscellaneous (witnesses, conduct money, photocopy, printing, advertising, etc.)		3,040.31	
Society's Auditor: Salaries (including Auditor's staff, administrative personnel and extra help)	$135,643.33		
Travelling Expenses	3,939.47	139,582.80	
		$218,035.09	
Less: Discipline Expenses Recovered		12,213.28	$205,821.81

THE ANNUAL SUMMARY WAS RECEIVED

GENERAL REPORT

The Committee met on the 13th day of June, 1974, at 10:30 a.m., the following members being present: Mr. G. H. Lochead (Vice-Chairman) acting as Chairman, and Messrs. Bowlby, Carthy, Cartwright, Cass, Cory, Evans, Goodman, Grange, Gray, H. E. Harris, Krever, MacKinnon, O'Brien, Seagram, Shepherd, Strauss and Trepanier.

COMPENSATION FUND

The Assistant Secretaries and their staff perform a number of functions in connection with the operation of the Compensation Fund. Last year these services were recognized by charging against the Compensation Fund the sum of $15,000 to be credited to the Society's general funds. This year in the light of the increased amount of work being taken on by the Assistant Secretaries, it is recommended that $20,000 be charged against the fund.

SUB-COMMITTEE AS TO PRIOR RECORD

A sub-committee was appointed to consider the use of prior records in discipline procedures. The sub-committee's report was considered and amended by the Committee.

The Committee recommends adoption of the Sub-Committee's Report which is before Convocation.

It was moved, seconded and carried that the Sub-Committee's Report as to Prior Record be referred back to the Committee for further consideration and report to Convocation.

THE REPORT AS AMENDED WAS ADOPTED

COMPENSATION FUND SUMMARY—Mr. Beament

COMPENSATION FUND

FOR THE PERIOD 1ST SEPTEMBER, 1973 TO 31ST MAY, 1974 (9 months)

RECEIPTS

Fees			$ 217,980.00
Investment Income			81,530.87
Recoveries:	M. Godo	$1,100.00	
	G. R. Frame	8,313.60	
	M. Gruson	172.62	

	S. Resnick	77.82	
	Swayze	1,660.72	11,324.76
TOTAL RECEIPTS			$ 310,835.63

DISBURSEMENTS

Grants:	S. Caplan	$465,144.43	
	D. Bowman	50.00	
	A. Blotti	108,935.60	
	H. L. Coleman	500.00	
	R. Cullen	30,759.00	
	G. Mackay	300.00	
	H. A. Willis	6,000.00	
	F. Bannon	9,100.00	
	A. Kaye	1,045.27	$ 621,834.30
Administration and other expenses			21,177.52
TOTAL DISBURSEMENTS			$ 643,011.82

EXCESS OF DISBURSEMENTS OVER RECEIPTS	($ 332,176.19)
Balance of Fund 31st August, 1973	1,679,482.51
Balance of Fund as at 31st May, 1974	$1,347,306.32

RESUME OF GROSS CLAIMS OUTSTANDING

Claims received and in the course of being processed as of 31st May, 1974, including:

Blotti	$186,057.02		
Harris	519,749.90		
Boyle	95,009.05		
McLeod	181,932.00		
Stone	145,066.79	$1,127,814.76	$1,331,279.88

Total paid to 31st May, 1974 on account of 898 claims of 89 former solicitors	$3,218,113.86

THE SUMMARY WAS RECEIVED

ORDERS

The Secretary presented three Orders to be recorded in the Minutes of Convocation: an Order of Reprimand, dated 19th April, 1974, respecting *W. B. Cunningham*, of the Town of Parry Sound, and two Orders of Suspension, both dated 17th May, 1974, respecting *William J. Greening* and *E. Lawrence Stone*, both of the City of Toronto and both suspended for a one-year period.

LEGAL AID COMMITTEE—Mr. Bowlby

The Committee met on Monday, the 27th day of May, 1974, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Cass, Chadwick, Cory, Fairbairn, Ferrier, Finlayson, Grange, Levinter and A. W. Maloney.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of March, 1974.

(b) The Controller submitted the Director's report pursuant to Section 96 of the Regulation for the year ended March 31, 1974.

This report summarizes the statistical and financial performance of the Ontario Legal Aid Plan for its seventh fiscal year of operation.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 12 months ended March 31, 1974.

(b) The Controller submitted a memorandum dated May 4, 1974 commenting on a request from the Management Board to eliminate a further $100,000 from the budget over and above the $800,000 already cut from the 1974/75 Legal Aid Budget.

(c) *Re: Limitation of Criminal Certificates*
(75 per fiscal year)

It has been the responsibility of Area Directors to keep a record of the number of criminal certificates accepted by a solicitor.

It has been suggested that the policy stating that a solicitor should *not accept* more than 75 criminal certificates in a fiscal year be changed to require that a solicitor shall *not be paid* for more than 75 criminal certificates in a year. If this change was approved, the computer could record the number of accounts paid to a lawyer in a fiscal year on criminal certificates.

Your Committee has therefore approved the suggestion that when the computer records the payment of 75 criminal certificates to a solicitor that the solicitor be contacted by the Provincial Director to alert him of his obligation to review with the Director the status of his criminal legal aid practice. The Provincial Director will report to the Legal Aid Committee and the Legal Aid Committee in turn will express its opinion as to limiting the issuance of any further certificates to the said lawyer in the fiscal year.

Legal Accounts Officer's Report

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of April, 1974.

(b) The Legal Accounts Officer submitted a report for the month of April, 1974 with respect to reviews and appeals.

Task Force on Legal Aid

(a) The Task Force on Legal Aid held public hearings in Toronto during the week of April 29, 1974 at the St. Lawrence Hall, Toronto. The Treasurer of the Law Society and the Chairman of the Legal Aid Committee appeared at the hearings. The Treasurer spoke on behalf of the profession with respect to the Ontario Legal Aid Plan and the Chairman spoke specifically on the operation of the Plan.

(b) P. S. FitzGerald, Q.C., Vice-Chairman of the Legal Aid Committee, submitted a report to the Task Force on the delivery of legal services in Northern Ontario.

Sub-Committee Re Decentralization of York County

In August 1972 Convocation approved in principle the recommendation set out in the Community Legal Services report that decentralization in York County be permitted to proceed expeditiously, carefully making provision for the location of offices that are (a) geographically convenient to individual municipalities showing a need for assisted legal services, (b) located in or near areas of concentrated need, and (c) close to major public transportation.

At the July, 1973 meeting the Chairman appointed a Sub-Committee to make recommendations with respect to decentralization in York County.

Area Committees

Section 4 (1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Cochrane District

John Bracken, City Solicitor, Timmins

Robert N. Fournier, Solicitor, Iroquois Falls
George MacLeod, Financial Controller,
Grand Council Treaty No. 9, Timmins

Nipissing District

George T. Valid, Solicitor, North Bay

Welland County

Mrs. Beryl Morgan (lay member), Port Colborne

Resignations:

Cochrane District

Gilles Racicot, Solicitor, Timmins
Garry J. Sullivan, Solicitor, Timmins
Michael W. Tesluk, Solicitor, Timmins

Essex County

Professor J. Craig Paterson, University of Windsor

Perth County

David L. Holmes, Probation Officer

Welland County

Quentin Earl Lawson, Director, Hawthorne Lodge,
Port Colborne (deceased)

THE REPORT WAS ADOPTED

The Committee met on Friday, June 7, 1974, in Windsor, Ontario, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Cooper, Common, Fairbairn, Ferrier, Finlayson, Harris, Levinter and Trepanier.

D. J. Sleeman, Solicitor, Department of Manpower and Immigration, Ottawa, and W. R. Donkin, Q.C., Area Director, York County, attended the meeting by invitation.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of April, 1974.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the month ended April 30, 1974.

(b) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off client recoveries pursuant to Section 98 (2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of May, 1974.

(b) The Legal Accounts Officer submitted a report for the month of May, 1974 with respect to reviews and appeals.

DUTY COUNSEL TO IMMIGRANTS AT TORONTO INTERNATIONAL AIRPORT

The Provincial Director received correspondence from D. J. Sleeman, Solicitor, Department of Manpower and Immigration in Ottawa requesting the attendance of two or three lawyers as duty counsel at the Toronto International Airport to assist persons subject to deportation proceedings. All costs will be borne by the Government of Canada.

The Committee reviewed the need for legal advice at Toronto International Airport. It would appear that many persons are deported automatically without knowing their legal rights. There are seven or eight enquiries every day before a Special Inquiry Officer. Immigrants arriving at Toronto International Airport are sometimes taken advantage of financially and the duty counsel with an initial interview can render legal assistance or advise an immigrant to obtain either a certificate or retain a lawyer.

The Committee approved Mr. Sleeman's recommendation in principle.

It is anticipated that if Convocation approves the proposal the programme can be in operation in September, 1974.

CANADIAN CIVIL LIBERTIES ASSOCIATION

In January, 1973 Convocation approved a recommendation of the Canadian Civil Liberties Association that lawyers be made available around the clock for police station duty if they are called.

The Area Director, York County, was instructed to set up a pilot project where persons accused of serious crimes could phone a particular number between the hours of 5:00 p.m. and 8:00 a.m. for the purpose of obtaining advice from a solicitor, either directly by phone or by having the solicitor visit the accused at his place of confinement.

A. Alan Borovoy, General Counsel, Canadian Civil Liberties Association, expressed concern that the Plan was not being utilized, and wrote the Committee suggesting that a joint submission from the Legal Aid Committee and the Canadian Civil Liberties Association be sent to the Solicitor General asking for improved police co-operation. The Committee was not in favour of such a joint submission, but a letter will be forwarded to the Solicitor General over the signature of the Chairman, which letter will include the correspondence from the Canadian Civil Liberties Association, and will, in particular, draw to the Solicitor General's attention an observation made in the Association's correspondence that the police had in fact denied accused persons the right to speak to the night duty lawyer. The Committee felt that it was the Plan's responsibility to draw that complaint to the attention of the Solicitor General.

ALLOCATION OF FUNDS FOR STUDENT LEGAL AID

For the fiscal year 1974/75 the sum of $60,000 has been approved in the Legal Aid budget for student Legal Aid societies. The six student societies have urgently requested a full distribution of the funds.

For the last fiscal year 1973/74 the Committee decided to distribute the student funds on the basis of enrolment in each Law School. It was pointed out, however, that this approach was not meant to serve as a precedent. Three approaches with respect to the distribution were considered:

1. equal distribution regardless of student enrolment and nature of activity.
2. distribution according to law student enrolment among the six schools.
3. distribution based on the Legal Aid Committee's opinion of the services performed by the various Student Societies (i.e., volume of work, number of law students actively engaged in Legal Aid work, nature of the work done, extent of overhead expenses and availability of other financial support).

After full consideration the Committee recommended that $40,000 from the student Legal Aid approved budget be distributed in accordance with last year's criteria (i.e., distribution according to law student enrolment among the six schools).

The Director was requested to arrange a meeting with law school representatives in the early fall to discuss the distribution of the remaining $20,000. It was noted that the Task Force's report would no doubt have been finalized and the Committee would have the benefit of the Task Force's views.

NON-RESIDENT APPLICATIONS

The Legal Aid Committee established the criteria that civil certificates should be issued to non-residents only in unusual and extenuating circumstances. The Committee felt that non-residents should not automatically qualify for civil Legal Aid assistance. Each application should be reviewed and the above-noted criteria applied.

The Director of the English Legal Aid Plan requests that a financially eligible British resident in Ontario automatically receive civil Legal Aid assistance and that the fees and disbursements of the English solicitor be paid by the Ontario Legal Aid Plan.

A letter was also received from the Law Society of British Columbia requesting the Ontario Plan to automatically provide Legal Aid Assistance to British Columbia residents in civil matters if the said resident qualifies for Legal Aid in that Province.

In view of the ever increasing number of non-resident requests for civil assistance and the fact that the issue is being raised across Canada, the Committee recommends the appointment of a Sub-Committee to make its recommendations as to what the criteria should be with respect to non-resident civil applications.

TASK FORCE

The May 29, 1974 edition of The Globe & Mail contained an extract from a brief presented to the Task Force by Professor John M. Johnson of Queen's University. The brief in part advocated that there is a significant potential conflict of interest in having the Law Society of Upper Canada administer the Ontario Legal Aid Plan. Professor Johnson urged that the Law Society be relieved of this potential conflict and recommended that the Legal Aid Plan be operated by public representatives.

The Treasurer was of the opinion that a further brief over and above that made by the former Treasurer on April 29, 1974 should be presented to the Task Force answering the Professor's criticism.

SUB-COMMITTEE APPOINTED TO REVIEW LEGAL AID TARIFF

At its May, 1973 meeting the Legal Aid Committee appointed G. H. Lochead, Q.C., to act as Chairman of the Sub-Committee appointed to review the Legal Aid tariff.

The Committee had recommended in July, 1973 that each Law Association appoint a tariff adviser so that when the Sub-Committee appointed to review the Legal Aid tariff meets over the next several years, the proposed amendments to the tariff can be sent for comment and consideration to a particular representative of a Law Association. The majority of Law Associations have now appointed such an adviser.

Mr. Lochead has been appointed Chairman of the Discipline Committee and finds it impossible to continue his membership on the Legal Aid Committee.

Your Committee approved that G. D. Finlayson, Q.C., be appointed Chairman of the Sub-Committee appointed to review the Legal Aid tariff.

CONFERENCE ON LEGAL AID — LEVIS, QUEBEC — MAY 30 - JUNE 1, 1974

The Conference on Legal Aid was organized and sponsored by the Canadian Council on Social Development and the Federal Department of Justice.

There were some 80 lawyers and law students from all the provinces except Newfoundland at the Conference. Also present were Mr. Justice Osler, Peter Cory, Q.C., Stanley Sadinsky, and Alexander Ross from the Legal Aid Task Force.

The subjects discussed were:

1) delivery of legal aid in urban and rural settings, to native groups and remote areas, juveniles, ethnic groups and institutionalized persons
2) legal para-professionals
3) eligibility criteria
4) support services
5) evaluation techniques
6) preventive legal education
7) community development, and
8) law reform through legal aid.

In addition, a number of the participants discussed interprovincial handling of applications, particularly in the civil aspect.

At the conclusion of the Conference, it was decided that the existing planning committee should continue to function on an interim basis to develop an ongoing liaison between various programmes and to work toward a method of exchanging information. In doing so, the planning committee is to add to its membership some public and law student representation.

The Committee recommended that the Ontario Legal Aid Plan maintain a close contact with the Canadian Council on Social Development so that the Ontario Plan is apprised of how and to what extent legal aid assistance is being extended across Canada and in each province, and appointed a Sub-Committee to monitor information with respect to the activities of the Canadian Council.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

The Committee met on the 13th day of June, 1974, at 9:30 a.m., the following members being present: Mr. F. J. L. Evans (Vice-Chairman) acting as Chairman, and Messrs. Bowlby, Carthy, Cartwright, Cory, Grange, Krever, Lochead, MacKinnon, Seagram and Strauss.

RULING 21 — TRUST ACCOUNTS

With the coming into force of The Law Society Amendment Act, 1973, it is recommended that this Ruling which reads as follows:

> "Except where the client otherwise directs in writing, all trust accounts in which are deposited the funds of more than one client shall be maintained in non-interest-bearing accounts."

be repealed.

RULING 36 — DISCRIMINATION

The Committee recommends that the Ruling be amended to read:

> "There shall be no discrimination by the lawyer on the grounds of race, creed, colour, national origin or sex in the employment of other lawyers or articled students or in other relations between him or her and other members of the profession."

MISCELLANEOUS

In its May 1972 Report to Convocation, the Committee referred to two situations upon which its opinion had been sought where it appeared there were possibilities of conflict of interest. At that time, the Committee expressed the view that the questions raised were essentially legal and that it was in the province of the court to determine in any particular instance whether a solicitor should be restrained from acting against his former client or from acting in an instance where he may have received confidential information from the other side. If parties concerned would agree on the facts and particularly on the confidential information aspect of the matters, the Committee would be happy to give an opinion. Otherwise it was felt that except in the clearest of cases, matters of this nature should be left to the injured party to bring the appropriate application. The Committee also pointed out that should the court find that there was a conflict of interest in a particular instance, it might be a matter for the Society.

A case has now arisen in which the court was advised of the Committee's opinion and was apparently quite "unhappy and perhaps disturbed with the Society's method of dealing with the problem". The view was expressed that a trial judge was not the person to deal with such problem for the following reasons:

> "(a) even if he could deal with the problem, by the time the action reached the stage of trial, the mischief created by the problem would already have taken place,
>
> (b) by the time the action reaches the trial stage it is much too late to deal with the problem and would result in unnecessary delay.
>
> (c) there was a serious question in his mind whether a trial judge has jurisdiction to order a citizen to change his solicitors or conversely order solicitors to cease to act for a citizen, and
>
> (d) the problem is not the type of problem that a trial judge ought to deal with, i.e., his duties are to act as a trial judge in a dispute between the parties as set forth in the issues in the pleadings and not to intervene in the representation that a party litigant has."

Notwithstanding the foregoing comments, the Committee reaffirmed the position it took in 1972.

It was moved, seconded and carried that the following words be added at the end of the Report:

> "The Court clearly has jurisdiction to oversee the conduct of litigation. A motion should be brought as early as possible and preferably long before the trial stage to restrain the

continued retention of a solicitor who, by reason of his previous services, has obtained some relevant confidential trial information concerning the other side."

THE REPORT AS AMENDED WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

—Mr. H. E. Harris

The Committee met on Thursday, the 13th day of June, 1974, at 12:00 noon, the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Borins, Grange and Zahoruk, and Miss A. R. McCormick. Mr. Denis Burnett attended by invitation.

GREAT LIBRARY

ONTARIO SECURITIES COMMISSION —
INDEXING OF DECISIONS

The Committee approved arrangements made through the Department of Continuing Education that Mr. Norman M. Chorney, LL.B., make available for publication and sale a consolidated index of all reported decisions of the Ontario Securities Commission from 1949 to 1974 and future decisions as they become available. Mr. Chorney will not be paid by the Society and it is anticipated that the Society will not lose any money on the project.

LIBRARY EQUIPMENT

Reader-Printer

The Committee approved the purchase of a reader-printer at the current price of approximately $3,500.

COUNTY LAW LIBRARIES

SUB-COMMITTEE ON GRANTS

The Committee approved a motion to refer this matter back to the Sub-Committee to work on a proposed new formula for making grants to County Law Libraries and report back to the Committee at the earliest possible time.

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for 1973. The amounts of the grants which they should receive under the Rule in 1973 and 1974 are as follows:

			1973		1974
Algoma			$2,000.00		$2,000.00
Brant			1,845.00		2,000.00
Elgin			1,390.00		1,600.00
Essex		$2,000.00			
	—10%	200.00	1,800.00*		2,000.00
Frontenac			2,000.00		2,000.00
Grey			1,635.00		1,610.00
Haldimand			750.00		750.00
Halton			2,000.00		2,000.00
Hastings & Prince Edward			1,810.00		1,915.00
Lennox & Addington			750.00		750.00
Lincoln			2,000.00		2,000.00
Muskoka			940.00		910.00
Ontario			2,000.00	$2,000.00	
			—10%	200.00	1,800.00*
Parry Sound			750.00		750.00
Peterborough			2,000.00		1,880.00
Prescott & Russell			750.00		750.00
Simcoe			2,000.00		2,000.00
Sudbury			2,000.00		2,000.00
Thunder Bay			2,000.00		2,000.00

*Represents net amount following deduction of penalty of 10% on account of late submission of Annual Returns as required under Reg. 37 (3)

Approved, subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE

— Mr. Trepanier

The Committee met on Thursday, the 13th day of June, 1974 at 11:30 a.m., the following members being present: Messrs. Strauss (Chairman), Cass, Sopha, Trepanier and Zahoruk.

The Committee considered a matter concerning a notary public who had been mentioned in a judgment in a civil action. The judge criticized the notary who had given legal advice. The Secretary was instructed to write the Attorney General of Ontario with reference to this notary's activities indicating that many complaints have been received by the Society about this notary and to state that the Society would oppose granting him a renewal of his notarial licence.

The Secretary reported that he had a meeting with counsel at the Ministry of the Attorney General concerning a divorce advisor who apparently was advising members of the public concerning their divorce actions. The Secretary was instructed to make a further investigation to ascertain whether there was sufficient evidence to lay a charge and to report back to the Committee or the Chairman.

The Committee had received two letters complaining about corporations preparing discharges of mortgages. This matter came before the Committee several years ago and the Committee's view then, with which this Committee agrees, was that the matter of drafting a simple discharge of mortgage did not constitute unauthorized practice particularly where corporations were making a charge which was in the nature of a service charge.

The Secretary reported that a complaint had been received concerning a listing in the London telephone book with the word "Barr." after the customer's name. The Secretary was instructed to contact Bell Canada. He did so and Bell Canada agreed to delete such word from its next edition of the City of London telephone book since it is improper where a person is not a barrister.

The Committee received a letter from a solicitor in Hamilton complaining about an advertisement concerning the sale and purchase of homes. The Secretary wrote Deputy Minister J. C. Thatcher of the Ontario Government and received a reply indicating that consideration will be given to the Society's concern that Ontario Government Civil Servants Home Disposal Plan should allow civil servants the right to use a solicitor of their own choice when buying or selling a home. In view of the fact that this complaint is more directly involved with professional conduct, the Secretary was instructed to refer it to the Professional Conduct Committee.

The Secretary reported that in the case of D.A.S. Holdings Limited, the company has launched a further appeal to the Court of Appeal from the dismissal of its appeal from a conviction under the Solicitor's Act for giving advice in divorce cases.

The Secretary reported that he had not yet received a report from counsel with reference to a commissioner, regarding the several complaints that had been made to the Society. A new complaint had been received and it appeared that an

Appearance, an Affidavit of Merits, and Notice of Motion had been drafted by this commissioner and the Committee instructed the Secretary to send the material to counsel and if it was his opinion that there was sufficient evidence to warrant a charge being laid, then the Committee recommended that such a charge be laid.

THE REPORT WAS ADOPTED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

The Committee met on Thursday, June 13th, 1974, the following members being present: Messrs. Henderson (Chairman), Krever and Lochead.

National Public Relations Programme

The Chairman reported that he had discussed the National Public Relations Programme with Mr. Neil McKelvey, President of the Canadian Bar Association, who urged that Ontario continue to support it.

Legal Aid — Publicity

The Chairman reported that he had discussed with the Chairman of the Legal Aid Committee the Legal Aid budget item of $150,000 for public relations which had been deleted by the Government. The Chairman of the Legal Aid Committee does not ask this Committee to take any formal action in the matter.

Board of Education — List of Lawyers

The Professional Conduct Committee referred to this Committee a letter from Mrs. Gloria Torrance of the Toronto Board of Education. The Physical and Health Education Department of the Board is distributing to teachers a list of topics on which lawyers have agreed to speak on request. The list includes the names of seven lawyers who are willing to participate.

This Committee encourages lawyers to speak on legal subject provided, of course, the publication of the events in that connection does not violate the rulings of the Professional Conduct Committee and would ask that Committee to reconsider any of its rulings which appear to prevent such programmes.

Pamphlets

The Secretary was instructed to ask members to draft pamphlets on various subjects for distribution to the public.

When the drafts are ready, they will be submitted to the Committee.

THE REPORT WAS ADOPTED

REPORT OF THE SPECIAL COMMITTEE TO CONSIDER PROPOSED AMENDMENTS TO THE COMBINES INVESTIGATION ACT

Convocation directed that the Report be circulated to the County and District Law Associations so that they can speak to the matter at the meeting of the representatives of the Associations with the Chairmen and Vice-Chairmen of the Society and others.

SPECIAL COMMITTEE RE LAND SPECULATION TAX ACT—Mr. Henderson

The Chairman reported on the progress made in preparing a submission to the Government. A first draft is in existence and he recommended that a copy of it be made available to the Government, that the Special Committee be authorized to continue, and that a copy of the brief be sent to each Bencher.

Approved

CONVOCATION THEN ROSE AT 4:20 P.M.

Read in Convocation and confirmed this 20th day of September, 1974.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

Thursday, 27th June, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Carthy, Chappell, Finlayson, R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, Krever, Lochead, Maloney, MacKinnon, Pepper, Sheard, Sopha, Strauss, White and Zahoruk.

APPOINTMENT TO STANDING COMMITTEES

It was moved, seconded and carried that Mr. R. J. S. Gray be appointed to the following Standing Committees: Discipline, Admissions, Professional Conduct.

DISCIPLINE COMMITTEE—Mr. Lochead

Re: GEORGE MAURICE BLEAKNEY, Ottawa

The solicitor attended with Counsel. The Society was also represented.

Convocation read the Decision of the Discipline Committee dated 14th June, 1974, wherein the Committee found that there was no evidence of professional misconduct, that the solicitor was in error in believing that he was entitled to withdraw certain funds from his trust account as representing earned fees, and that the matter could, with propriety, be dealt with by a reprimand in Committee. However, the Committee declined to exercise its jurisdiction under Section 37 of The Law Society Act, 1970, because on hearing submissions as to penalty, the Committee learned that the solicitor had on two previous occasions been found guilty of professional misconduct in similar circumstances and had been reprimanded in Convocation. Counsel made no submissions. Convocation accepted the Decision of the Discipline Committee.

It was moved, seconded and carried that Convocation by Order reprimand the solicitor, that he be required to file monthly trial balances and that he be assessed the Society's expenses incurred in the investigation in the amount of $272.96.

The solicitor waived his right of appeal and was reprimanded in Convocation by the Treasurer.

Re: ROBERT W. STANLEY, London

The solicitor attended with counsel. Counsel for the Society also attended.

There was no dispute with respect to the Decision of the Discipline Committee dated 15th March, 1974, wherein the solicitor was found guilty of professional misconduct in that he had, inter alia, failed to deposit clients' trust funds in his trust bank account, misappropriated clients' trust funds, failed to maintain sufficient funds on deposit in his trust bank account to meet his trust obligations to clients, and failed to maintain his books, records and accounts as required by Section 19 of the Regulation made pursuant to The Law Society Act, 1970. Counsel made no submissions. Convocation accepted the Decision of the Discipline Committee.

Counsel for the solicitor made submissions respecting penalty. He submitted the solicitor's resignation as a member of the Society and asked that it be accepted upon the solicitor undertaking not to apply to be readmitted until after three years had elapsed. Counsel for the Society made submissions.

It was moved, seconded and carried that the solicitor be permitted to resign.

CONVOCATION THEN ROSE AT 12:45 P.M.

Read in Convocation and confirmed this 20th day of September, 1974.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

FOR THE PURPOSE OF CALLING TO THE BAR AND ELECTING AS AN HONORARY BENCHER

HER MAJESTY QUEEN ELIZABETH, THE QUEEN MOTHER

Friday, 28th June, 1974
11:30 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom), The Right Honourable Roland Michener, The Honourable Robert Welch and Messrs. Beament, Bowlby, Carson, Carthy, Cass, Chappell, Common, Cory, Finlayson, FitzGerald, R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, Howland, Levinter, McCulloch, MacKinnon, O'Brien, Pallett, Raney, Robins, Rogers, Seagram, Sheard, Shepherd, Slemin, Strauss, Trepanier, White and Williston.

The Treasurer accompanied by the Chief Justice of Ontario, The Honourable G. A. Gale, received The Honourable Robert Welch, Attorney General for Ontario, and Her Majesty Queen Elizabeth, The Queen Mother, at the Benchers entrance of Osgoode Hall.

Accompanying The Queen Mother were: Mrs. Patrick Campbell-Preston, Lady-in-waiting; Lt-Colonel Sir Martin Gilliat, K.C.V.O., M.B.E., Private Secretary to Her Majesty; Captain James Duncan Millar, Equerry; and Colonel Robert H. Hilborn, M.B.C., C.D., Canadian Equerry.

A dais was arranged at the east end of the Great Library to accommodate the Benchers, the Attorney General, Chief Justice Gale, Chief Justice Wells, Her Majesty's party and Her Majesty. The Registrar of the Supreme Court of Ontario, Mr. W. R. Poultney, was provided with a table to the right of the dais. The press was accommodated in the east gallery. Seats were arranged in the body of the Great Library for the Benchers' guests, members of the judiciary and their guests, and members of the staff.

The Treasurer and Chief Justice Gale conducted Her Majesty to the Great Library and her place on the dais, and then took the places reserved for them.

The Treasurer called Convocation to order.

Mr. Brendan O'Brien presented Her Majesty Queen Elizabeth, The Queen Mother for Call to the Bar of Ontario.

The Treasurer conferred the degree of Barrister-at-law upon Her Majesty and called her to the Bar of Ontario.

Mr. W. G. C. Howland then proposed a Resolution that Her Majesty be elected and enrolled an Honorary Bencher of the Society. The Resolution was carried unanimously.

The Treasurer then addressed Her Majesty and requested her to take the necessary oaths which were then administered by the Chief Justice of Ontario. Her Majesty signed the Rolls, and then addressed Convocation.

CONVOCATION THEN ROSE AT 11:45 A.M.

Read in Convocation and confirmed this 20th day of September, 1974.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

Thursday, 19th September, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Carthy, Chappell, Goodman, Grange, W. G. Gray, Griffiths, H. E. Harris, Levinter, Lochead, MacKinnon, Pepper, Rogers, Sheard, Sopha, Trepanier, Wallace, White and Zahoruk.

DISCIPLINE COMMITTEE—MR. LOCHEAD

Re: BRIAN WILLIAM KING, Oakville

Convocation considered this matter on 21st September, 1973. The solicitor attended at that time and both he and the Society were represented by counsel.

Convocation accepted the Decision of the Discipline Committee, dated 7th May, 1973, wherein the solicitor was found guilty of professional misconduct in that he had acted so incompetently in counselling a client that his conduct amounted to professional misconduct.

Counsel for the solicitor and the Society made submissions respecting the Decision.

Convocation considered the matter of penalty and after hearing submissions from the solicitor's counsel, imposed a penalty, namely, that the solicitor be reprimanded in Convocation and required to pay the expenses of the Society's investigation of his professional affairs.

The time within which the solicitor might appeal having elapsed without his having launched an appeal, the matter came again before Convocation for the carrying out of the penalty.

The solicitor attended without counsel and was advised of the amount of the Society's expenses ($3,500) for which he was to be responsible.

The solicitor was reprimanded by the Treasurer.

Re: EMIL T. LENKO, Hamilton

Convocation considered this matter on 27th June, 1974. The solicitor attended at that time with counsel. The Society was also represented by counsel.

Convocation accepted the Decision of the Discipline Committee, dated 8th May, 1974, wherein the solicitor was found guilty of professional misconduct in that he had misappropriated over $17,000 of clients' trust funds and failed to maintain the required books and records in connection with his practice.

Counsel made no submissions respecting the Decision. Counsel for the solicitor stated that he was not prepared to make submissions with respect to penalty, and he further stated that the solicitor was prepared to continue his undertaking not to take any new business and that his trust account would remain under his auditor's control. Counsel for the Society made submissions.

On the basis of the solicitor's undertaking, Convocation granted his counsel's request for an adjournment to the next Convocation.

The matter coming on again before Convocation, the solicitor attended with his counsel. Counsel for the Society also attended.

After a brief review of the matter, Convocation addressed itself to the question of penalty and heard submissions from both counsel.

Convocation adopted a motion that the solicitor be disbarred, that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor and counsel were so informed.

Re: WALTER MICHAEL TESLUK, Timmins

This matter came before Convocation on 27th June, 1974, when the solicitor attended without counsel. The Society was represented by counsel. At that time the solicitor stated that he was not ready to proceed because his counsel had withdrawn, and requested an adjournment.

The matter was adjourned to the next Convocation upon the solicitor undertaking to Convocation to have all his trust cheques co-signed by his auditor and the Society's auditor.

The solicitor was so advised and he gave the necessary undertaking.

The matter coming again before Convocation, the solicitor attended with counsel. Counsel for the Society also attended. The Secretary read the Decision of the Discipline Committee, dated 3rd May, 1974, wherein the solicitor was found guilty of professional misconduct. Convocation heard submissions from both counsel and from the solicitor's counsel in reply. Convocation then adopted a motion amending the Decision in certain respects. The Decision was then accepted by Convocation, the solicitor having been found guilty of professional misconduct in that he failed to maintain sufficient funds in his trust bank account at all times to meet his trust obligations to clients and failed to maintain his books, records and accounts as required by the Society's Regulation and to file on or before 30th November, 1973 his accountant's report as required by the said Regulation.

A number of motions respecting penalty were then put before Convocation.

The solicitor and counsel were advised that Convocation had accepted the Decision as amended and of the motions before Convocation. Counsel for the solicitor made submissions respecting penalty.

Convocation adopted a motion that the solicitor be suspended for a period of two years and required to pay the expenses of the Society's investigation in the amount of approximately $1,200.

The solicitor and counsel were advised of Convocation's action.

CONVOCATION THEN ROSE AT 4:45 P.M.

Read in Convocation and confirmed this 18th day of October, 1974.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

Friday, 20th September, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Borins, Bowlby, Carley, Carthy, Cass, Chappell, Common, Cooper, Cory, Evans, Fennell, Finlayson, FitzGerald, Goodman, Grange, R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, Henderson, Krever, Levinter, Lochead, MacKinnon, O'Brien, Pallett, Seagram, Sheard, Shepherd, Sopha, Strauss, Trepanier, Wallace, White and Zahoruk.

MINUTES

The Minutes of Convocation of 21st June, 1974, of Special Convocation of 27th June, 1974 and of Special Convocation of 28th June, 1974 were read and confirmed.

RESIGNATION OF BENCHER

The Treasurer announced the resignation of Mr. Arthur S. Pattillo from the Bench as of 1st September, 1974, on which date he assumed the Chairmanship of the Ontario Securities Commission.

It was moved, seconded and carried that Mr. Pattillo's resignation be accepted with regret.

ELECTION OF BENCHER

It was moved, seconded and carried that Mr. David G. Humphrey, be elected to fill the vacancy in Convocation.

APPOINTMENT OF SPECIAL COMMITTEE ON OSGOODE HALL FENCE

The Treasurer announced the reconstitution of the Special Committee on Osgoode Hall Fence as follows: Messrs. O'Brien (Chairman), Robinette, Fennell, Finlayson and Shepherd.

APPOINTMENT OF SPECIAL COMMITTEE ON LAND REGISTRY SYSTEM

The Treasurer announced the appointment of a Special Committee on the Land Registry System constituted as follows: Messrs. Carley (Chairman), Howland, Seagram and Strauss.

SPECIAL COMMITTEE ON FACILITIES OF GREAT LIBRARY

It was moved, seconded and carried that the Treasurer be authorized to appoint a Special Committee to review the existing facilities of the Great Library and the uses to which they are being put by members of the profession and others and make recommendations to Convocation thereon.

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

It was moved, seconded and carried that the Treasurer be authorized to appoint a Special Committee on Errors and Omissions Insurance:

(1) To consider and to report and make recommendations to Convocation with respect to the nature and frequency of claims made against members, the size and number of outstanding claims and the reserves maintained in respect of them, the soundness of the insurance coverage and any changes, including consideration of a measure of self-insurance, required to ensure continued coverage at an acceptable cost;

(2) To advise the Secretary with regard to cases which warrant consideration by the Discipline Committee where it appears that a member has been grossly negligent or there has been a pattern of neglect which has given rise to numerous claims;

(3) To advise the Secretary or the adjuster generally with respect to problems or questions which arise from time to time in connection with the errors and omissions coverage;

and that the Committee continue to function at the pleasure of Convocation.

RESIGNATION FROM LEGAL AID COMMITTEE

The Treasurer informed Convocation that Mr. J. G. M. White had withdrawn from the Legal Aid Committee.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

The Committee met on Thursday, 12th September, 1974, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, Mr. H. Krever, Vice-Chairman, and Messrs. Borins, Cass, Cory, Griffiths, Rogers, Sheard and Sopha.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Ottawa Bar Admission Course

In June 1974 Convocation directed that a pilot project in regionalization be conducted in Ottawa commencing in September 1975. It is estimated that 100 to 125 students will enrol and planning should proceed on the basis that the project be organized to accommodate the outside limit of this estimate. Students then under articles will be polled in April to determine how many choose the Ottawa location. There is no intention of limiting the number unless restrictions relating to cost, space and personnel impose such a limitation. If possible, facilities will be found which would allow expansion beyond the estimate of 125.

Instructions required to implement this plan are as follows:

> That the Chairman of the Legal Education Committee be authorized to consult the Ottawa Benchers, the County of Carleton Law Association and others, and appoint a three-member Committee from the Ottawa Bar to work in liaison with the Toronto administration in planning the project.
>
> That the Director in consultation with the Ottawa Liaison Committee be permitted to hire a suitable person to be Assistant Director, Bar Admission Course, Ottawa, effective January 1st, 1975, at a salary to be negotiated.
>
> That the Director in consultation with the Liaison Committee engage a senior instructor together with such other instructors as are required to teach each section of the Bar Admission Course to groups made up of no more

than twenty-five students each. (For 125 students, one senior instructor and four other instructors would be required.)

That the Director be authorized to engage in November 1974 a suitable person on the staff of the Bar Admission Course to work in Toronto to become familiar with the Bar Admission Course and Continuing Education procedures with a view to that person becoming secretary to the Assistant Director, Ottawa, from January 1st, 1975, and Assistant Registrar, Ottawa, from September 8th, 1975.

Approved

Admission to University of Ottawa Law School

We have been consulted by a student seeking admission to the University of Ottawa Law School. He has an LL.B. degree from England and no pre-law school degree.

The Committee recommended that a letter be sent to the Dean, University of Ottawa Law School, reaffirming the understanding the Society has with the Ontario Law Schools and expressing the hope that it is being adhered to, except with respect to mature students, and that it will continue to be observed.

Bar Admission Course Advisory Committee

In compliance with the direction of Convocation in June 1974, a Bar Admission Course Advisory Committee has been formed. It is composed of three Benchers, three Heads of Sections, three administrators, the Secretary, three graduates from last year as *ad hoc* members and three students of the current Bar Admission Course to be appointed by the Committee of Students after its election. The Chairman of the Advisory Committee reported on the organizational meeting of the Committee and the business transacted.

SPECIAL PETITIONS

The Committee considered ten special petitions. One petitioner sought permission to serve a portion of the articling period with a professor on the faculty of law of an approved law school. The Committee recommended that the petition not be granted. The other nine petitioners sought permission to defer entering the teaching portion of the Bar Admission Course for a variety of reasons. The Committee recommended that these petitions be granted subject to the approval by Convocation of the recommendation now being made by the Admissions Committee on the subject.

BAR ADMISSION COURSE FEES

Convocation is asked to increase the fees payable by students-at-law in the Bar Admission Course. Students are presently required to pay the following fees:

Student Fees

Upon becoming a student member of the Society, payable upon filing application	$101.00
(In case an application for admission is filed late, an additional fee of $10 is payable for the first day and $1 for each day thereafter.)	
Upon commencing the teaching period of the Bar Admission Course, payable on or before the 1st day of September of the year in which the teaching period is commenced	$400.00

The fee of $400.00 is tax-deductible.

It is recommended that the fee of $400.00 be increased $75.00 to $475.

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Robert Douglas Cartlidge — Special, Transfer,
British Columbia

FINANCE COMMITTEE—Mr. W. G. Gray

The Committee met on Thursday, 12th September, 1974, at 10:30 a.m., the following members being present: Messrs. W. G. Gray (Chairman), Fennell, Goodman, H. E. Harris, Howland, Levinter, MacKinnon, Pepper, Sheard, Sopha and Trepanier.

ANNUAL FEES

Based on the 1974-75 budget approved by Convocation on 21st June, 1974 the budget deficit for the year ending June 30th, 1975 is $288,289.74. Were this deficit to be made up wholly out of members' annual fees, it would require an increase in the fee of $33 per member.

An increase in the annual fee of $25 would provide additional revenue of $217,000. The difference between this additional revenue and the budgeted deficit is approximately $70,000 which is an estimate of budgeted amounts which may not be spent.

An increase of $25 would raise the annual fee to $160 to which will be added the Compensation Fund levy. The fee was increased from $120 to $135 in 1973-74 and the previous increase was from $110 to $120 in 1971-72.

The Committee recommends that the annual fee of $135 of members of the Society be increased by $25 to $160.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

Norman Harry Edmondson, Oshawa	Called — 7 April 1961 Appointed Provincial Judge, Criminal Division, Ontario County — 19 June 1974
Claude Joseph Morrison, Q.C., Toronto	Called — 29 June 1948 Appointed Provincial Judge, Criminal Division, County of York — 26 June 1974
Gilles Rolland Matte, Sudbury	Called — 19 April 1963 Appointed Provincial Judge, Criminal Division, District of Sudbury — 17 July 1974
Robert Franklin Reid, Q.C., Toronto	Called — 29 June 1949 Appointed Judge, S.C.O. — 2 August 1974
Vincent Kearney McEwan, Q.C., Toronto	Called — 7 April 1961 Appointed Provincial Judge, Criminal Division, County of York — 7 August 1974
Charles Edward Purvis, Scarborough	Called — 19 April 1963 Appointed Provincial Judge, Criminal Division, County of York — 7 August 1974

James Crossland, Q.C., Toronto	Called — 25 June 1959 Appointed Provincial Judge, Criminal Division, County of York — 7 August 1974

Deaths

The following members have died:

Christopher Robinson, Q.C., Ottawa	Called — 21 March 1940 Deceased — 29 June 1974
The Hon. Colin William George Gibson, Q.C., Ancaster (former Judge, S.C.O.)	Called — 20 May 1915 Deceased — 3 July 1974
William Edward Green, Hamilton	Called — 18 September 1941 Deceased — 15 May 1974
Thomas Dawson Delamere, Q.C., Toronto	Called — 15 October 1925 Deceased — 16 July 1974
Joseph Emile Lacourciere, Q.C., Montreal	Called — 16 January 1936 Deceased — 18 July 1974
Wilmot Hagarty Broughall, Q.C., Toronto	Called — 15 June 1939 Deceased — 23 July 1974
Hugh McColl Harrison, Mississauga	Called — 29 June 1949 Deceased — July 1974
Reginald Dunbar Williams, Montreal	Called — 19 January 1928 Deceased — July 1974
Cecil Logue Snyder, Q.C., Ottawa	Called — 18 September 1930 Deceased — 24 August 1974
John Steele Wright, Q.C., Toronto	Called — 18 November 1937 Deceased — 23 August 1974
Kenneth Gordon McLean Ross, Q.C., Belleville	Called — 16 September 1948 Deceased — 31 July 1974
Wilfrid George Bowles, Nestleton (Life Member)	Called — 14 September 1922 Deceased — 18 August 1974
John Montgomery Barber, Downsview	Called — 10 April 1964 Deceased — 30 July 1974

Noted

MEMBERSHIP RESTORED

Francis Colenso Powell, Q.C., Parry Sound, gave notice under Section 31 that he had resigned as Provincial Judge (Criminal Division) for the District of Parry Sound and wished to be restored to the Rolls of the Law Society; accordingly his membership has been restored effective 22nd July, 1974.

Noted

CHANGES OF NAME

Elizabeth Slava Kekanovich, a solicitor practising in Toronto, requested her name be changed on the Rolls of the Society to *Elizabeth Slava Budi,* her married name.

Mary Margaret Eleanor Turvey, a solicitor practising in Toronto, requested that her name be changed on the Rolls of the Society to *Mary Margaret Eleanor Haig,* her married name.

Charlotta Ann Bell, a solicitor practising in Sudbury, requested that her name be changed on the Rolls of the Society to *Charlotte Ann Goodearle,* her married name.

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following members, who are sixty-five years of age and fully retired from the practice of law and other employment, requested consideration of their applications to continue their membership in the Society at a reduced annual fee of $25.00:

Herman Moscoe, Q.C., Toronto
William Rae Tomlinson, Q.C., Port Elgin

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society during 1974:

Elmo Linfield Ashbourne, Q.C., Toronto
Clarence Clifford Baker, Q.C., Ottawa
Cecil Cyril Carrothers, Q.C., London
The Honourable David Arnold Croll, Q.C., Toronto
Oscar Davis, Toronto
William Emerson Dyer, Q.C., London
Percy Claire Finlay, Q.C., Toronto
Henry Rutherford Jackman, Q.C., Toronto

David Park Jamieson, Q.C., Sarnia
John DesBarres Jennison, Ottawa
Homer W. Ross Kennedy, Toronto
Murray Keyfetz, Q.C., Toronto
James Douglas Lucas, Q.C., Toronto
Miss Helen Mary McTague, Q.C., Windsor
The Right Honourable Daniel Roland Michener, P.C., Q.C., Toronto
Frederick Robert Murgatroyd, Q.C., Hamilton
Ernest Alfred Reeve Newson, Q.C., Toronto
Warwick, Hodgetts Noble, Q.C., Toronto
Dwight Hillis Osborne, Q.C., Toronto
Harold Lloyd Osborne, Simcoe
Manning Harold Roebuck, Q.C., Toronto
William Schreiber, Q.C., Hamilton
Terence Sheard, Q.C., Toronto
Henry Carman Waind, Guelph

Approved

ERRORS AND OMISSIONS INSURANCE PLAN

Arrears

229 members whose names are before Convocation received notice by letter of 8th July, 1974 that unless they paid the Errors and Omissions Insurance levy, or filed an application for exemption from coverage, by 26th July, 1974, their names would be placed before the next meeting of the Finance Committee and their rights and privileges as members of the Society may be subject to suspension at the next Convocation thereafter.

The Committee recommends that those members who are still in default on 20th September, 1974 be suspended until their levies are paid or until they file applications for exemption from coverage.

Exemption from Filing Requirements

A letter had been received from a member who suggested that it should not be necessary for members of the Society to renew their applications for coverage or exemption, as the case may be, once they had made an initial declaration stating their status.

The Committee recommended that because of the need for up-to-date information, no change will be made at present in the Society's requirement that all members complete annually the application for either coverage or exemption under the Errors and Omissions Insurance Plan.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing an Association which has sent in its Annual Return for 1973. The amounts set opposite its name are the amounts of the grants to which it appears to be entitled under the Rules in 1973 and 1974 and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

BARRISTERS DINING ROOM

A new schedule of prices has been prepared for the Barristers Dining Room. It shows a recommended increase in meal prices of 30¢ for a two-course meal, including beverage, with corresponding increases in à la carte items. The average increase is about 19%.

Approved

UNIVERSITY COLLEGE RESTORATION FUND

The graduates of University College have commenced a campaign to preserve and restore University College. The Campaign Committee, through its Co-Chairman, has asked the Society if it wishes to make a contribution.

The Committee recommended that a contribution be made.

THE REPORT WAS ADOPTED

MOTION — ANNUAL FEE 1974-75

It was moved, seconded and carried that the annual fee for 1974-75 be $160.

MOTION TO SUSPEND —
ERRORS AND OMISSIONS INSURANCE PLAN

It was moved, seconded and carried that the rights and privileges of members who have failed to pay the levy prescribed under Section 53 of the Law Society Act, 1970 within four months after the date on which payment was due, namely, 8th March, 1974, be suspended from 20th September, 1974 until their levies are paid or until their applications for exemption from coverage are approved.

ADMISSIONS COMMITTEE—Mr. Cass

The Committee met on Thursday, 12th September, 1974 at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, Cooper, Grange, R. J. Gray, Krever, Lochead, MacKinnon, Pepper, Seagram, Sheard and Sopha.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 728 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1974.

Approved

A total of seven candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1973. Six applied under Regulations 26(5) and the seventh, a solicitor from New Brunswick, applied under Regulation 4(1).

Approved

DIRECT TRANSFER

The Committee considered two petitions for direct transfer to practice in Ontario. Both petitioners sought permission to proceed under Regulation 4(1). One petitioner, a solicitor from Alberta, had been given permission to write the September transfer examination prior to consideration of his petition. The Committee approved his petition. The other petitioner, a solicitor from Manitoba whose petition had previously been denied, asked the Committee to reconsider his petition. The petitioner did not qualify to proceed under Regulation 4(1) because he does not satisfy the requirement respecting the period of practice. The Committee recommended that the petitioner be so advised.

DIRECT TRANSFER FROM QUEBEC

A notary public from Quebec presented a petition seeking to proceed under Regulation 4(2) for direct transfer to practice in Ontario. The petitioner satisfied the requirements of the Regulation and the Committee approved his petition.

OCCASIONAL APPEARANCE

Wilfred J. Wallace, Q.C., of Vancouver, British Columbia, applied to proceed under Regulation 10 governing Occasional Appearances in Ontario of lawyers from other provinces to appear as counsel in *Valley Camp Limited vs. Great Lakes Steel Products et al.*

Approved

SPECIAL PETITIONS

The Committee had before it a petition from a candidate for admission to the Bar Admission Course who had previously been granted permission to defer entrance into the Bar Admission Course to enable him to teach and study for a doctoral degree in law. The petitioner sought exemption from the articling period of the Bar Admission Course and permission to enter the present teaching period of the Course. The Committee recommended that he be advised he must complete the Bar Admission Course including the articling period.

A petitioner from Kenya who sought permission to proceed under Regulation 5 was advised that he did not satisfy the requirements of the Regulation but could attend before the Committee if he wished. The petitioner filed additional material with the Committee, attended before it and made submissions. The Committee approved his petition.

The Committee considered correspondence submitted by a petitioner from Uganda whose request for permission to enter the Bar Admission Course had not been granted. The correspondence included a letter from the Dean of the Faculty of Law of an approved law school certifying that the petitioner had the requisite academic qualifications. The Committee recommended that the matter stand for further consideration.

BAR ADMISSION COURSE — ATTENDANCE

The Committee recommends that the policy be:

> That a student-at-law be required to complete the Bar Admission Course within the five-year period commencing with graduation from law school and that the twelve consecutive months to be served under articles of clerkship be served within the eighteen-month period preceding entry into the teaching part of the Course with discretion in the Committee to modify these requirements in exceptional circumstances.

It was moved, seconded and carried that the petitioner from Uganda be permitted to enter the present Bar Admission Course.

THE REPORT AS AMENDED WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

The Treasurer and Benchers had as their special guest at luncheon Mr. W. L. N. Somerville, Q.C., President of the Canadian Bar Association.

CONVOCATION RESUMED AT 2:30 P.M., A QUORUM BEING PRESENT

DISCIPLINE COMMITTEE—Mr. Lochead

General Report

The Committee met on 12th September, 1974 at 12:00 noon, the following members being present: Mr. G. H. Lochead, chairman, and Messrs. Borins, Cass, Chappell, Common, Cooper, Cory, Evans, Goodman, Grange, W. G. Gray, R. J. S. Gray, H. E. Harris, Krever, Levinter, MacKinnon, O'Brien, Pepper, Rogers, Seagram, Strauss and Trepanier, and by invitation Messrs. Robert Anderson and D. Burnett.

Compensation Fund Levy

The Committee recommended that the levy for the ensuing year be reduced from $30 to $20.

Report of the Sub-Committee Appointed to Consider the Regulation Respecting Books, Records and Accounts and the Revision to Form 2

The Committee considered the Sub-Committee's amended report and recommended that the changes in the sections of the Regulation and Form 2 set out therein be adopted.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY—Mr. Lochead

Compensation Fund

For the Period 1st September, 1973 to 30th June, 1974
(10 months)

Receipts			
Fees			$ 218,070.00
Investment Income			81,530.87
Recoveries:	M. Godo	$1,200.00	
	G. R. Frame	8,313.60	
	M. Gruson	172.62	
	S. Resnick	77.82	
	Swayze	1,660.72	11,424.76
Total Receipts			$ 311,025.63
Disbursements			
Grants:	S. Caplan	$465,144.43	
	D. Bowman	50.00	
	A. Blotti	108,935.60	
	H. L. Coleman	500.00	
	R. Cullen	30,759.00	
	G. Mackay	300.00	
	H. A. Willis	6,000.00	
	F. Bannon	9,100.00	
	A. Kaye	1,045.27	$ 621,834.30
Administration and other expenses			21,317.52
Total Disbursements			$ 643,151.82
Excess of Disbursements Over Receipts			($ 332,126.19)
Balance of Fund 31st August, 1973			1,679,482.51
Balance of Fund as at 30th June, 1974			$1,347,356.32

Resume of Gross Claims Outstanding

Claims received and in the course of being processed as of 30th June, 1974, including:

Blotti	$186,057.02
Harris	519,749.90
Boyle	95,009.05

McLeod	181,932.00		
Stone	145,066.79	$1,127,814.76	$1,331,279.88
Total paid to 30th June, 1974 on account of 898 claims of 89 former solicitors			$3,218,113.86

THE SUMMARY WAS RECEIVED

Motion — Compensation Fund Levy

It was moved, seconded and carried that the Compensation Fund levy for 1974-75 be $20.

LEGAL AID COMMITTEE—Mr. Bowlby

The Committee met on Tuesday, July 9th, 1974, the following members being present: John D. Bowlby, Chairman, and Messrs. Cass, Chadwick, Ferrier, Grange, Levinter, A. W. Maloney, Trepanier, C. R. Harris, Common and FitzGerald.

Mr. Roy Turner, Chairman of The Australian Legal Aid Task Force, attended the meeting by invitation.

Director's Report

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of May 1974.

Controller's Report

The Controller submitted a Summary of Applications for the month ended May 31st, 1974.

Legal Accounts Officer's Report

The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of June 1974.

Task Force Report

The Chairman discussed with the Committee correspondence which he received from the Treasurer. The Treasurer noted the problem of bringing the legally aided client in touch with "the lawyer of his choice". He informed the Chairman that the Special Committee on lawyer referral services had been reactivated and that the referral service and specialization are aspects of the same problem.

The Chairman advised the Treasurer that specialization is one of the problems which must be dealt with by the Legal

Aid Committee as quickly as possible; however, he felt that the Legal Aid Committee should wait until the Task Force report is published since the Task Force would no doubt offer solutions to the problem which had not occurred to the Committee.

The Treasurer also enquired from the Chairman whether Legal Aid should be restricted to those who pay little or nothing or it should be extended into a law service subsidizing operation for a much wider segment of the community. The Treasurer noted that Mr. W. D. Griffiths is Chairman of a Special Committee on prepaid legal costs insurance.

The Chairman replied to the Treasurer that Legal Aid was established to help those who cannot pay a lawyer when needed and that in his opinion this originating concept should not be changed. The Chairman stated that the Griffiths' report might provide a workable solution in regard to prepaid insurance to a large segment of people.

DISCIPLINE

On March 15th, 1974, a Notice of Complaint was served by the Law Society on a solicitor. Under Section 29 (3) of the Regulation the solicitor was automatically removed from the Legal Aid Panels.

The solicitor came before the Discipline Committee, was found guilty of professional misconduct, reprimanded in Committee and ordered to pay the Society's expenses of $1,000.

It was established that the solicitor had been overpaid for services which he billed, but had not substantiated. He has paid the expenses, refunded the overpayment and applied to be reinstated to the Legal Aid Panels.

After hearing the solicitor and the Area Director, the Committee agreed to reinstate the solicitor to the Legal Aid Panels on the condition that he execute an undertaking to the Provincial Director that he will file with each legal aid account a photocopy of all docket sheets and that the undertaking will extend for as long as the Legal Accounts Officer requires or for one year, whichever is the longer.

SUB-COMMITTEE RE DELIVERY OF LEGAL SERVICES IN NORTHERN ONTARIO

In August 1973 the Legal Aid Committee at a special meeting in North Bay considered the problems in delivering legal services to Northern Communities and recommended among other proposals "the issuance of travel warrants in the discretion of the Local Area Director, to aid applicants and particularly Indians in criminal matters". The prime reason for the issuance of a travel warrant is to ensure that an applicant in a remote area is able to attend initially either at an Area Director's office or the office of a solicitor.

The Committee was of opinion that criteria should be developed as to when the Legal Aid Plan will issue a travel warrant to an applicant.

The Committee recommends that the Sub-Committee on Delivery of Legal Services in Northern Ontario consider the matter with the Area Director, Kenora and report back to the Committee. The Committee is also of opinion that the Sub-Committee's recommendations should not be implemented until the views of the Task Force are known.

LEGAL AID CLINICS — YORK COUNTY

The Director has received requests from the Chairman of the Downsview Community Resource Group to set up a Legal Aid Clinic in the Downsview Centre and from the Guidance Chairman of the Peanut Resource Group of Woodbine Junior High School to set up a Legal Aid Clinic in the Fairview Library, Willowdale.

The Committee approved the establishment of Legal Aid Clinics in these two areas.

THE REPORT WAS ADOPTED

The Committee met on Wednesday, 11th September, 1974, the following members being present: John D. Bowlby, Chairman, and Messrs. Barnes, Cass, Cooper, Cory, Fairbairn, Ferrier, Finlayson, Grange, Griffiths, C. R. Harris, A. E. M. Maloney and B. J. MacKinnon.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of July, 1974.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the month ended 31st July 1974.

PROCESSING OF SOLICITOR'S ACCOUNTS

At its March meeting the Legal Aid Committee requested the Controller and the Systems Analyst to do the necessary research to determine the feasibility of speeding up the payment of solicitors' accounts.

A memorandum from the Controller dated 24th June, 1974, reports the findings of the Controller and the Systems Analyst.

The following recommendations were made for the purpose of increasing the rate of flow of legal accounts through the Legal Accounts Department:

(a) The Legal Accounts Department should automatically pass as approved for payment all solicitors' accounts having a value of less than $200. Spot checking could be achieved by setting aside say one in every twenty such accounts for detailed examination. In addition, accounts could be selectively "recalled" from computer files for test examination after the fact of payment.

(b) Programme the computer to calculate and deduct the 25% statutory reduction thus eliminating the manual calculation presently performed.

(c) Increase the cheque run frequency from twice monthly to weekly.

The Committee agrees in principle that accounts having a fee value of less than $200 gross be processed without tariff examination and that the computer be programmed to calculate the 25% deduction for all accounts.

The Committee also recommends that the necessary amendments to the Regulation be made and that they be added to the List of Amendments to be reviewed by the Sub-Committee appointed re Amendments to Act and Regulation.

COLLECTIONS

The Provincial Director received a memorandum from the Collection Manager enquiring as to whether minors should be sued with respect to collecting money which they owe the Legal Aid Plan.

After some discussion the Committee recommended that each case be dealt with on its own merits and that no overall policy be established.

DUTY COUNSEL CLINICS — METROPOLITAN TORONTO

A request was received for the setting up of an additional clinic at the North Campus of Humber College located near Highway 27 and Highway 401. The Humber College Campus on Queen Elizabeth Boulevard has had a Duty Counsel Clinic since the early days of the programme.

John B. Allen, Assistant Provincial Director, advised the

Committee that there was a need for this additional clinic due to the fact there are over 5,000 students on the main campus and the clinic in existence at 56 Queen Elizabeth Boulevard is not adequate.

The Committee approved the request for an additional Clinic.

PSYCHIATRIC PATIENTS WELFARE ASSOCIATION

In October 1973 Convocation approved a report of the Legal Aid Committee dealing with a proposed educational programme for Duty Counsel who will attend at psychiatric hospitals to assist patients with their legal problems and dealing with disclosure of the patients' records to Duty Counsel.

Mr. George E. Wallace was appointed Chairman of a Sub-Committee to deal with the matter and after meetings and discussions with representatives of the Ministry of the Attorney General and the Ministry of Health, at a meeting in March 1974 it was agreed that the use of Duty Counsel in psychiatric hospitals be commenced as a pilot project for a six months trial period and that patients' medical reports be made available to Duty Counsel.

Certain difficulties arose with respect to the implementation of the pilot project. Representatives of the Ministry of Health suggested that the programme commence immediately not withstanding lack of final resolution on the issue of patients' records being made available. A further meeting was held to discuss this issue. The following policy was adopted:

> That a Duty Counsel Pilot Programme of one year should be provided to fourteen Ontario Psychiatric Institutions including the three Mental Retardation facilities associated with such institutions as soon as possible and that any case arising in which the issue of full disclosure of patients' records was not resolved should be reported in writing by the Administrator of the facility concerned, with reasons, to the Legal Aid Committee and to the Ministry concerned.

MEETING OF PROVINCIAL DIRECTORS

On 28th August, 1974, the Provincial Directors or their representatives attended a meeting in the Board Room of the Ontario Provincial Director. The meeting was arranged by the Legal Aid Liaison Committee of the Canadian Bar Association, and took place during the Bar Association's Annual Meeting. Nine Provinces were represented.

Each representative reviewed the developments in Legal Aid in his particular Province and outlined existing problems. Consideration was given to the formation of a Canadian Association of established Provincial Legal Aid Plans. The main objective will be to deal with the practicalities of operating legal aid plans, however they are structured, and would include the following:

(1) Legal Aid to non-residents in Canada;

(2) Exchange of information such as delivery of legal services to native Canadians;

(3) Exchange of financial and statistical information;

(4) Exchange of research data;

(5) Reciprocity in general in all matters pertaining to legal services.

As a result of this meeting the Provincial Directors have called a further meeting to be held November in 1974. The purpose of this meeting is to resolve practical problems which now exist with respect to everyday administration of legal aid such as the granting of civil certificates to non-residents and establishing reciprocity in the collection of costs and contributions from clients who have moved to other jurisdictions.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

The Committee met on 12th September, 1974, at 9:30 a.m., the following members being present: Mr. Arthur Maloney, Chairman, and Messrs. Chappell, Cory, Evans, Fennell, FitzGerald, Goodman, Grange, R. J. S. Gray, Krever, Lochead, MacKinnon, Pepper, Rogers, Seagram and Strauss.

SUB-COMMITTEE ON PARA-LEGAL PERSONNEL

At a meeting of the Committee in the spring of 1973, a Sub-Committee was appointed as a result of reaction from members of the profession to opinions expressed by the Committee concerning activities of Para-Legal Personnel.

The Sub-Committee's recommendations are as follows:

That the profession be advised

1. That legal advice can only be given by a member of the

Law Society and that it would be improper for a law clerk to give his own advice under any circumstances.

2. That if law clerks or other para-legal personnel are employed by a member of the Law Society such member not only must be responsible for the action of his employees, but he must direct and supervise their work.
3. The community college course of law clerks might be reviewed by the Law Society to ensure that a member of the Society emphasizes to the students the dangers of giving legal advice to members of the public and the absolute prohibition against it.
4. Wherever possible there should be a liaison with publicly funded clinics to review the tasks undertaken by legal assistants or law clerks for the clinics and to ensure that encouragement is given to the training of legal assistants in the clinic facilities.
5. In view of the variety of work performed by law clerks, no single group should be permitted to obtain a monopoly in their training or classification.

The Committee recommends that the Sub-Committee's recommendations be adopted.

SUB-COMMITTEE TO CONSIDER TELEPHONE DIRECTORY LISTINGS AND RULING 16

At its January 1974 meeting the Committee had before it a request that it consider the question of telephone listings. A Sub-Committee was appointed to consider the problem. A Report has now been received containing the recommendation that paragraph 2 of Ruling 16 be amended to read as follows:

> 2. No member shall authorize or permit the insertion in the yellow pages of any telephone directory of more than one standard listing in regular type under the heading "Lawyers" for the firm and for each lawyer thereof in the section for each area where the firm maintains an office or branch office. Provided that, where there are more than one yellow-page directory for different areas of the same urban municipality members may have an insertion for each of those areas as such office or branch office may reasonably be considered serving in a substantial manner. Members who are Patent Agents or Attorneys may have a similar listing under the heading "Patent Attorneys & Agents".

The Committee recommends the adoption of this amendment.

THE REPORT WAS ADOPTED *subject to*

the first items thereof (Recommendations of Sub-Committee on Para-Legal Personnel) being referred to the Sub-Committee (Legal Education) on Law Clerks.

LIBRARIES AND REPORTING COMMITTEE

—Mr. Seagram

The Committee met on Thursday, 12th September, 1974, at 4:00 p.m., the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Borins, Grange, Rogers, Sheard and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

Donations were received from the *Advocates' Society*, Toronto; *David Estrin*, Barrister, Toronto; *John D. Honsberger*, Q.C., Toronto; *C. A. Keith*, Barrister, Toronto; and *Mrs. R. V. MacColl*, Campbellford.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Association listed below has sent in its Annual Return for 1973. The amounts of the grants which it should receive under the Rule in 1973 and 1974 are as follows:

	1973		1974
Rainy River	$750.00	750.00	
	Less penalty 10%	75.00	$675.00

Approved, subject to the approval of the Finance Committee.

REPORTING

QUEEN'S UNIVERSITY QUIC/LAW PROJECT

The Committee approved a motion to defer consenting to the transfer of the Society's rights in the data bases of the material concerning the Ontario Reports to the Federal Department of Justice until a letter has been received from the Federal Government indicating the proposal it will make.

SUMMARY OF RECENT FEDERAL
AND ONTARIO LEGISLATION

The Committee approved a motion to add an amount to its budget, subject to the approval of the Finance Committee, for the continuation of the publication of the Summary of Recent Federal and Ontario Legislation. The cost of this publication was previously absorbed by the Department of Continuing Education.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

The Committee met on Thursday, 12th September, 1974, at 3:30 p.m., the following members being present: Messrs. Strauss (Chairman), Fennell (Vice-Chairman), Cass, Chappell, Cooper, FitzGerald, Sopha, Trepanier and Zahoruk.

The Committee considered several matters concerning persons who allegedly represented themselves to be solicitors. In each of three cases the Committee concluded that there was insufficient evidence to commence a prosecution under Section 50 of The Law Society Act.

The Secretary reported that he had received a letter from a solicitor enclosing an advertisement from a Toronto paper which indicated that homes could be purchased from a company with no legal expenses to the purchasers. The Secretary was instructed to get a legal opinion on this matter.

The Secretary reported that he had received a letter from a Sault Ste. Marie solicitor enclosing an advertisement from a local paper regarding a divorce aid service. The Committee approved a motion to authorize an investigation and further report.

The Secretary reported that he had received a letter from a Windsor solicitor complaining about a Windsor resident employed by a Detroit law firm acting for Windsor claimants with respect to incidents which occurred in Ontario. The Secretary was instructed to write the Windsor solicitor indicating that if sufficient evidence is available, the Society will prosecute in Ontario under Section 50.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

The Committee met on Wednesday, 11th September, 1974, at 10:30 a.m., the following members being present: Mr. Sheard, Chairman, and Messrs. Cass, Pepper and Sedgwick.

STUDENT APPLICATIONS

Applications for grants were received from fourteen students, together with a memorandum from the Assistant Director, Bar Admission Course, recommending that four of these grants be made. The Committee approved payment of the four grants.

THE REPORT WAS ADOPTED

APPOINTMENTS TO HOUSE COMMITTEE

The Treasurer appointed Messrs. Carley, Carthy and Finlayson to the House Committee. It was moved, seconded and carried that the appointments be confirmed.

CONVOCATION THEN ROSE AT 3:40 P.M.

Read in Convocation and confirmed this 18th day of October, 1974.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 18th October, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Bowlby, Carley, Carthy, Cartwright, Common, Cory, Evans, Finlayson, FitzGerald, Grange, R. J. S. Gray, W. G. Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Humphrey, Lochead, Maloney, MacKinnon, O'Brien, Pallett, Pepper, Rogers, Seagram, Sheard, Shepherd, Strauss, Trepanier, Wallace, White, Williston and Zahoruk.

NEW BENCHER

The Treasurer noted the presence of Mr. David G. Humphrey, who was elected a Bencher at September Convocation and welcomed him to the Bench.

MINUTES

The Minutes of Special Convocation of 19th September, 1974 and of Convocation of 20th September, 1974 were read and confirmed.

SPECIAL COMMITTEE ON VOTING PRACTICE IN CONVOCATION

The Treasurer announced that he had asked Messrs. Robins (Chairman), Howland and Lochead to form a special committee to consider voting procedures in Convocation and report back to Convocation.

SPECIAL COMMITTEE ON THE SOLICITORS' FEES ACT

The Treasurer appointed Mr. Beament a Committee of one with power to add to consider and make recommendations to Convocation respecting the draft Solicitors' Fees Act prepared by the Ontario Law Reform Commission.

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. Humphrey be appointed to the following Standing Committees: Professional Conduct Committee; Legal Aid Committee.

APPOINTMENT TO
SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

The Treasurer appointed Mr. Shepherd as a member of the Special Committee on J. Shirley Denison Bequest.

APPOINTMENT TO
SPECIAL COMMITTEE ON OSGOODE HALL FENCE

The Treasurer announced the appointment of Mr. Robins to the Special Committee on Osgoode Hall Fence.

APPOINTMENT OF
SPECIAL COMMITTEE ON FACILITIES OF GREAT LIBRARY

The Treasurer announced the appointment of Messrs. Rogers (Chairman), Carthy and Shepherd as a Special Committee to enquire into and report on the facilities of the Great Library.

APPOINTMENT OF
SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

The Treasurer announced the appointment of Messrs. Griffiths (Chairman), Carthy and Levinter as a Special Committee on Errors and Omissions Insurance.

APPOINTMENT OF
SPECIAL COMMITTEE FOR THE REMBRANCE DAY SERVICE

The Treasurer appointed Messrs. Sheard (Chairman) and W. G. Gray as a Special Committee for the Rembrance Day Service to be held on Monday, 11th November, 1974 at 12:30 p.m. at the Society's First World War Memorial in the Great Library.

FEDERATION OF LAW SOCIETIES OF CANADA

The Treasurer informed Convocation that Mr. W. G. Gray is now a member of the Executive of the Federation of Law Societies of Canada and that Mr. Gray had been one of the Society's two representatives to the Federation.

It was moved, seconded and *carried* that the Secretary, Mr. Kenneth Jarvis, be appointed one of the Society's representatives to the Federation of Law Societies of Canada in place of Mr. W. G. Gray.

ANNUAL MEETING

The Treasurer raised the matter of the date and place of the Society's Annual Meeting. It was decided that the decision should be made at the November Convocation.

It was moved, seconded and *carried* that the Treasurer be authorized to appoint a committee to recommend the time and place of the Annual Meeting.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

The Committee met on Thursday, 10th October, 1974, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mrs. S. G. M. Grange, Vice-Chairman, Mr. Horace Krever, Vice-Chairman, and Messrs. Carley, Cass, Cory, W. G. Gray, Rogers, Sheard, Shepherd and White.

DIRECTOR'S REPORT

The Director submitted the following for consideration:

Publication of Examinations

It is recommended that subject to the success of the experiment which will be conducted on Friday, the 11th of October, in a new procedure for processing the examination books, the administration be directed to process the multiple choice part of the examinations (which in most cases will be the entire examination) in a manner which operates as follows:

(a) The student is given notice that he will be permitted to keep his examination booklet containing the multiple choice questions of the examination, and he will be given an opportunity to manually check his raw score;

(b) In order to carry out this check, the student is requested to note his examination booklet with the answers he records on the sheet used for scoring by the computer;

(c) Immediately after the examination, the student is given a copy of the key designating the correct answers.

The advantages of this new procedure are that the students will have an immediate indication of how well they perform on the examination. This is a substantial advantage because ordinarily, they would have no knowledge of their performance level until the results are received from the computer terminal, which is expected to be as much as two weeks in most cases. They will also know, while the subject is fresh in their minds, where they went wrong and what their answers should have been. The examination thereby becomes an integral part of the instructional process, reinforcing points which the student already knows, and providing remedial teaching in those areas in which he is weak.

It was also hoped that the immediate check of the raw score by the students will lessen tensions and enable them to proceed into the next section in a more relaxed state of mind.

A further advantage is that students will be able to discuss the validity of any item with the administration or section head with the item in front of them. As a result of this procedure, they will be in a better position to make representations that should be considered by the Board of Review, which has the duty of making any necessary adjustments to the raw scores and publishing the final mark.

We were not able to request this procedure until now because of the difficulty we were finding in drafting sufficient items to build a new examination each year. With the success shown so far in this term, we are now confident that a system has been developed which can continue to produce the necessary new items.

Approved

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. W. G. Gray

The Committee met on Thursday, 10th October, 1974, at 11:00 a.m., the following members being present: Messrs. W. G. Gray (Chairman), Shepherd (Vice-Chairman), Beament, Cartwright, Fennell, H. E. Harris, Levinter, MacKinnon, Pepper, Sheard and Trepanier.

ACCOUNTS

From 1st September, 1974 to 30th September, 1974 accounts (including Library Accounts), properly approved, to the amount of $117,383.78 have been paid.

FINANCIAL STATEMENT, 1st July, 1974 to 30th September, 1974

A statement of receipts and disbursements for the period 1st July, 1974 to 30th September, 1974 was approved.

ROLLS AND RECORDS

Deaths

The following members have died:

Kenneth Anthony Devlin Kitchener	Called—21 September 1944 Deceased—29 June 1974
James Bud (Bolton) Lawson, Q.C., Toronto	Called—29 June 1949 Deceased—24 September 1974
Melville Burgoyne Kennedy Gordon, Q.C., Ottawa	Called—21 October 1948 Deceased—7 October 1974

RESIGNATION

Mr. John J. Henry of Dublin, Ireland, was suspended from practice on 1st May, 1974 for failure to pay his annual fees for 1973-74. In June 1974 Mr. Henry applied for permission to resign his membership in the Society and asked that his letter be accepted in lieu of a Declaration.

Approved

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

The following members, who are sixty-five years of age and fully retired from the practice of law or other employment, request consideration of their applications to continue their membership in the Society at a reduced annual fee of $25:

George Alfred Farmer, Toronto
Dunbar Moddie Heddle, Campbellville
Albert Norton Morgan, Don Mills
William Herbert Waugh, Welland

Approved

CHANGES OF NAME

Jean Audrey Thompson, a solicitor practising in Toronto, requests that her name be changed on the Rolls of the Society to Jean Audrey *McNeil,* her married name.

Marlene Irma King appears on the Rolls of the Society under the surname *King,* being her married name. She asks that her name be changed on the Rolls to *Philip,* her maiden name.

Approved

LEGAL EDUCATION

The Legal Education committee approved an organizational plan for setting up the Ottawa Bar Admission Course which will be self-supporting in its initial stages. This is to be achieved through using Continuing Education as a vehicle to organize administration. By using a dry run of the Ottawa Bar Admission Course as a refresher course, it is planned to offset initial costs out of refresher course revenues. In this context, the Legal Education Committee, at its September meeting, approved the following subject to the approval of the Finance Committee:

> "5.(b) that the Director in consultation with the Ottawa Liaison Committee be permitted to hire a suitable person to be Assistant Director, Bar Admission Course, Ottawa, effective January 1st, 1975, at a salary to be negotiated;
>
> (c) that the Director consider the offers received from the University of Ottawa and Carleton University to accommodate the Bar Admission Course and compare them with any other suitable classroom and office space which may be recommended by the Ottawa Liaison Committee or the Assistant Director, Ottawa;
>
> (d) that the Director in consultation with the Liaison Committee engage a senior instructor together with such other instructors as are required to teach each section of the Bar Admission Course to groups made up of no more than twenty-five students each. (For 125 students, one senior instructor and four other instructors would be required.)
>
> (g) that the Director be authorized to engage in November, 1974, a suitable person on the staff of the Bar Admission Course, to work in Toronto to become familiar with the Bar Admission Course and Continuing Education procedures with a view to their becoming secretary to the Assistant Director, Ottawa, from January 1st, 1975 and Assistant Registrar, Ottawa, from September 8th, 1975."

The salary for the position referred to in (g) is expected to be in the range of $9,000 to $10,000 per annum. The salary for the position referred to in (b) is subject to approval by this Committee.

Approved

SUMMARY OF RECENT FEDERAL AND ONTARIO LEGISLATION

The following item appeared on the agenda of the Legal Education Committee and the Libraries and Reporting Committee at their respective meetings in September, and it received approval of both Committees, subject to the approval of this Committee:

> "Convocation on January 18th, 1974 approved the continuation of the publication of the Summary of Recent Federal and Ontario Legislation. It was agreed that it would be printed and bound by the Society and distributed to the profession free of charge.
>
> The annual printing cost is approximately $9,000.00 and this cost is at present being absorbed by the Department of Continuing Education. This publication differs from other Department of Continuing Education publications in that it produces no revenue.
>
> It is suggested that the cost of the Summary and its distribution be charged to Libraries and Reporting.
>
> Since this matter concerns both the Legal Education Committee and the Libraries and Reporting Committee, it has been added to both agendas. From these Committees, the matter is being referred to the Finance Committee."

An invoice just received for this work totals $12,330.01.

Approved

COUNSEL'S ACCOUNTS

1. Messrs. Rauenbusch, Torkin & Manes have submitted their account for professional services rendered in connection with the preparation and co-ordination of the Brief to the Government of Ontario on the Land Speculation Tax Act, 1974. The account, in the amount of $3,407.90 has been approved by the Special Committee on The Land Speculation Tax Act, subject to the approval of this Committee.

The Committee approved payment of 25% of this account. The remaining 75% is to be borne by the Canadian Bar Association. The Secretary was authorized to make such payment arrangements with the Canadian Bar Association to ensure that the apportionment of this and other items of expense connected with the submission follow the agreed 25:75 split.

2. Messrs. Osler, Hoskin & Harcourt have submitted their account in the amount of $3,578.86 for professional services rendered in connection with a review of the Society's liabilities for Federal Sales Tax and Ontario Retail Tax. This account has been approved by the Chairman of the Legal Education Committee and by the Chairman of the Special Committee on Sales Tax. Because of the general nature of the work, the cost is being charged to Finance Committee law costs rather than to the Bar Admission Course or the Department of Continuing Education although many of the problems which gave rise to this investigation being made, originated from the latter Department.

Approved

MUNIMENTS AND MEMORABILIA — PRIVATE DINING ROOM

Items of expenditure to finalize the furnishings of the museum room and the private dining room were approved. On completion of the facilities, it is planned to rent the dining room to approved legal organizations at a fee of $25 per evening.

CALL FEES

The Committee reviewed the possibility of dividing the call fee into two segments, one being the call fee and the other being the membership fee from date of call to the following November 30th. Such an apportionment would have enabled students to claim the membership portion of the fee as a deduction for income tax purposes.

The Committee recommends no change in the present fee structure.

THE REPORT WAS ADOPTED

Mr. W. G. Gray, Chairman, presented a further Report of the Finance Committee.

The Committee met on Friday, 18th October, 1974, at 9:30 a.m., the following members being present: Messrs. Beament (Acting Chairman), H. E. Harris, Henderson, MacKinnon and Trepanier.

ANNUAL FINANCIAL STATEMENT

The Annual Financial Statement for the period ended 30th June, 1974 together with the auditor's report was approved.

ACCOUNTS

Mr. Arthur Heeney, the Society's Architect, submitted four accounts to cover miscellaneous work. These were approved.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Finlayson, Vice-Chairman, presented the Report of the Admissions Committee.

The Committee met on Thursday, 10th October, 1974, at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs Beament, Borins, Grange, R. J. Gray, Lochead, MacKinnon, Seagram and Sheard.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

TRANSFERS FROM ANOTHER PROVINCE

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416, now apply for call to the Bar and to be granted a Certificate of Fitness:

William Abraham Gorewich	Alberta
Edward Symons MacLatchy	Nova Scotia

Approved

SPECIAL

The following candidates, having filed the necessary papers, complied with the requirements of the Admissions Committee and paid the required fee of $200, are now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Peter Graham Barton	Faculty of Law, Univeristy of Western Ontario
Golda Gail Brent	Faculty of Law, Univeristy of Western Ontario
Kwok Wai Cheung	Faculty of Law, University of Windsor

Deirdre Christine Davies	Faculty of Law, University of Windsor
Robert Donald Howe	Faculty of Law, University of Windsor
Heino Lilles	Faculty of Law, Queen's University
Richard Henry McLaren	Faculty of Law, Univeristy of Western Ontario
James Gary McLeod	Faculty of Law, Univeristy of Western Ontario
Robert Maxwell Solomon	Faculty of Law, Univeristy of Western Ontario

Approved.

ADMISSIONS OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Fifty-one candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course, as of 1st September, 1974.

Approved.

DIRECT TRANSFER

The Committee considered two applications, one from a Manitoba solicitor and one from an Alberta solicitor, for direct transfer to practise in Ontario. Both sought to proceed under Regulation 4(1). The Manitoba solicitor lacks the requisite period of practice and your Committee recommended that he be so advised. The Alberta solicitor complied with the Regulation and his application was approved.

DIRECT TRANSFER FROM QUEBEC

A Quebec solicitor sought permission to proceed under Regulation 4(2) for direct transfer to practise in Ontario. The petitioner satisfied the requirements of the Regulation and the Committee approved his petition.

TRANSFER FROM JURISDICTIONS OUTSIDE CANADA

Six applications were before the Committee for consideration. Two applicants did not qualify under Regulations 5 because they were neither British Subjects nor Canadian Citizens. Three applicants were unable to satisfy the requirements of Regulation 5. The Committee recommended that they be so advised. An applicant from Jamaica satisfied all the requirements of Regulation 5 and his application was approved.

OCCASIONAL APPEARANCE

A lawyer practising in Oklahoma City, Oklahoma, applied to proceed under Regulation 10 governing "Occasional Appearances in Ontario". The Committee recommended that his application be refused.

It was moved and seconded that the application of the Oklahoma lawyer to proceed under Regulation 10 be referred back to the Committee for further consideration. The motion was *lost.*

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

William Abraham Gorewich
Edward Symons MacLatchy
Peter Graham Barton
Golda Gail Brent
Kwok Wai Cheung
Deirdre Christine Davies
Robert Donald Howe
Heino Lilles
Richard Henry McLaren
James Gary McLeod
Robert Maxwell Solomon
Wilfred J. Wallace (Occasional Appearance)

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

The Committee met on 10th October, 1974, at 12:00 noon, the following members being present: Mr. G. H. Lochead, Chairman, and Messrs. Beament, Borins, Cartwright, Cass, Chappell, Cory, Evans, Grange, R. J. Gray, W. G. Gray,

H. E. Harris, Krever, MacKinnon, Pepper, Rogers, Seagram, Strauss, Trepanier, Wallace and White.

The Committee had before it the request of John Sopinka to appear as counsel for a solicitor in a disciplinary hearing. Mr. Sopinka is a partner of a bencher. The principle has been that a partner or associate of a bencher should not act in a disciplinary hearing, either on behalf of the lawyer against whom the complaint was issued or on behalf of the Society. Your Committee instructed the Secretary to advise Mr. Sopinka that it would be in order for him to appear on behalf of the solicitor.

SECTION 43, SUBSECTION 1,
THE LAW SOCIETY ACT, 1970

It was brought to the Committee's attention that recently it was found necessary to apply for an order under this section as a result of a lawyer disappearing without first having made arrangements to protect the interests of his clients. In the light of the facts disclosed in that case, the question arose as to whether this section of the Act should be broadened to cover a situation where a solicitor although physically present is neglecting his practice to the detriment of his clients. After due consideration the Committee has concluded that such a broadening of this section is desirable and has instructed the Secretary to refer this matter to the Legislation and Rules Committee with an appropriate recommendation for consideration.

SUB-COMMITTEE ON THE USE OF PRIOR RECORDS

The Sub-Committee, originally under the chairmanship of Mr. Lochead and composed of Messrs. Cartwright, Griffiths and Maloney, was appointed earlier this year to consider the use of prior records in disciplinary proceedings. The Sub-Committee's report was incorporated in your Committee's report to the June Convocation and at that time referred back for further consideration. The revised report as amended by your Committee is before Convocation.

It was moved, seconded and *carried* that the item on the Use of Prior Records be deleted from the Report.

THE REPORT AS AMENDED WAS ADOPTED

Mr. Lochead presented the Summary of the Compensation Fund for the period from 1st July, 1974 to 30th September, 1974.

COMPENSATION FUND SUMMARY

COMPENSATION FUND

FOR THE PERIOD 1ST JULY 1974 TO SEPTEMBER 1974

TOTAL RECEIPTS	$ 18,288.39
TOTAL DISBURSEMENTS	202.26
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 18,086.13
BALANCE OF FUND — 30th June 1974	$1,313,918.82
BALANCE OF FUND — 30th September 1974	$1,332,004.95

RESUME OF GROSS CLAIMS OUTSTANDING

Claims received and not processed — 30th June 1974	$1,331,279.88
Received during months of July, August and September	61,038.15
Claims received and in the course of being processed as of 30th September 1974	$1,392,318.03
Total paid to 30th September 1974 from the commencement of the Fund on account of 898 claims of 89 former solicitors	$3,218,133.86

THE SUMMARY WAS RECEIVED

Re: BRUCE M. WHITE, Madoc

Messrs. Borins, Carley, Cass, Chappell, Common, Evans, W. E. Harris and Maloney were not present, took no part in the discussion and did not vote.

The solicitor attended without counsel.

The Secretary read the Decision of the Discipline Committee dated 10th August, 1974, which concluded as follows: The Committee finds in the light of the evidence adduced by the Society and the solicitor's own admissions that he has been guilty of professional misconduct and that the four specific allegations have been established.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

The solicitor made no submissions.

The motion was *carried.*

A motion that the solicitor be suspended for a period of three months and required to pay the Society's expenses was *carried.*

Re: CHARLES S. M. MORTIMER, Q.C., Toronto

Messrs. W. G. Gray, Common, W. E. Harris, Pallett and Williston were not present, took no part in the discussion and did not vote.

Mr. Lochead read a statement delivered to him by the solicitor's counsel, to the effect that on the solicitor's instructions neither the solicitor nor his counsel would attend Convocation. Proof of service of the Decision of the Discipline Committee on the solicitor was filed.

The Secretary read the Decision of the Discipline Committee dated 7th October, 1974, which concluded as follows: The Committee finds that the solicitor has been guilty of professional misconduct in that he has misappropriated the sum of $100,000.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Re: ARMAS PUKALA, Toronto

Messrs. W. G. Gray, W. E. Harris, Pallet and Common were not present, took no part in the discussion and did not vote.

The solicitor did not attend nor did any one attend on his behalf.

It was moved, seconded and *carried* that Convocation proceed in the absence of the solicitor.

Proof of service of the Decision of the Discipline Committee on the solicitor was filed.

The Secretary read the Decision of the Discipline Committee dated 2nd October, 1974, which concluded as follows: The Committee finds that the four specific complaints have been established and that the solicitor has been guilty of professional misconduct.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

The Committee met on 10th October, 1974, at 9:30 a.m., the following members being present: Mr. Arthur Maloney (Chairman) and Messrs. Cartwright, Chappell, Cory, Evans, Fennell, Grange, R. J. Gray, Krever, Lochead, MacKinnon, Rogers, Seagram and Strauss.

1. A lawyer asked your Committee for an opinion as to whether it was proper for his firm's name to appear on the Information Sheet issued by a travel agency under the general heading of "References" and the specific heading of "Solicitors". Your Committee instructed the Secretary to advise that in its opinion such an inclusion would be a contravention of Ruling 3(2)(*b*).

2. The Canadian Bar Association Code of Professional Conduct

Earlier this year a sub-committee composed of Arthur Maloney as Chairman and Messrs. Cory and Grange was appointed to consider the preliminary report of the Sub-Committee on Legal Ethics. The Sub-Committee's report was adopted by your Committee and presented to Convocation. The Canadian Bar Association has now passed a Code of Professional Conduct. A sub-committee under the chairmanship of Mr. Maloney and composed of Messrs. Cory, Grange and Krever has been appointed to consider the Code and recommend with respect to its adoption either in whole or in part by the Society.

3. Board of Education — List of Lawyers

At its June meeting your Committee considered a letter from Mrs. Gloria Torrence of the Toronto Board of Education. The Physical and Health Education Department of the Board is distributing to teachers a list of topics on which lawyers have agreed to speak on request. The question was put as to whether the names of those lawyers willing to participate should be set out in the list. Your Committee referred to the Public Relations Committee the question of the preparation of a panel of speakers with the view to discussing the matter with the corresponding section of the Canadian Bar Association. The following notation appeared in the June Report of the Public Relations Committee:

> "This Committee encourages lawyers to speak on legal subjects provided, of course, the publication of the events in that connection does not violate the rulings of the Professional Conduct Committee and would ask that Committee to re-consider any of its rulings which appear to prevent such programmes."

The Committee has reviewed the matter and recommends that the Law Society canvass its members through the Communiqué to ascertain those members who would be interested in addressing students or teachers on legal aspects or subjects suggested by the Board of Education with the intention that the list so compiled be submitted to the Board.

4. The Committee had before it a letter from Penelope E. Watters of the Family Information Services. She advised that she was currently preparing a manual on Family Law and the social services in Toronto. Its purpose is to acquaint low-income families with their rights and responsibilities in all matters regarding marriage and children. It was her hope to be able to direct people to lawyers who are particularly familiar with Family Law. She has asked for advice as to how this might be done other than through the compilation of a specific directory of lawyers which she understands is considered unethical by the Society. The Secretary was directed that she be advised that the Society operates The Lawyer Referral Service and given details of its operation and composition with the suggestion that reference to this Service together with its telephone number be included in her manual.

5. The Committee had before it a letter from Neil Gold, Assistant Professor and Director of the Clinical Training Program at the University of Windsor. The Committee instructed the Secretary to advise that bearing in mind that the program has been relieved by the Society from restraints on advertising, the situation as outlined by the Director does not contravene any of the Society's Rulings.

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

The Treasurer and Benchers had as their special guests at luncheon Mr. F. W. Callaghan, Q.C., the Deputy Attorney General of Ontario, Mr. Bernard Shaffer, Q.C., the Vice-President of the Canadian Bar Association, Ontario Section, and Mr. Alfred Bennett, the Comptroller of the Law Society. Mr. Bennett was honoured by the Benchers in recognition of his forty years of exemplary service to the profession.

CONVOCATION RESUMED AT 2:15 P.M., A QUORUM BEING PRESENT

LEGAL AID COMMITTEE—Mr. Bowlby

The Committee met on Friday, 4th October, 1974, in Ottawa. The following members were present: John D. Bowlby, Chairman, and Messrs. Carley, Cass, Chadwick, Cooper, Cory, Fairbairn, Ferrier, Finlayson, FitzGerald, Grange, Griffiths, C. R. Harris, Henderson, Levinter, MacKinnon, A. W. Maloney, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of August 1974.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the month of August 1974.

LEGAL ACCOUNTANTS OFFICER'S REPORTS

The Legal Accounts Officer submitted two reports for the month of August 1974, one on the activity of the Legal Accounts Department and the other with respect to reviews and appeals.

SUB-COMMITTEE RE DELIVERY OF LEGAL SERVICES IN NORTHERN ONTARIO

In June 1974 the Director received correspondence from J. K. Doner, Area Director, Kenora, as to whether the Plan would issue travel warrants to applicants in northern regions in such matters as remands, preliminary attendances, etc. The Law Society had approved the issuance of such travel warrants to ensure that a legal aid applicant in a remote area is able to attend initially either at an Area Director's office or a solicitor's office.

Mr. FitzGerald, Chairman of the Sub-Committee appointed to enquire into the problems of delivering legal aid in Northern Ontario, has now made the following recommendations:

(a) That the "collect call" and "travel warrant" systems be proceeded with cautiously until a legal aid liaison net-work can be set up to expand it more fully.

(b) That care be taken to extend services to remote areas in such a way that they apply equitably to Indian and non-Indian alike.

(c) That the Law Society proceed with plans to make civil legal aid more widely known in remote areas but that the Society should do so cautiously.

CANADIAN COUNCIL ON SOCIAL DEVELOPMENT

(a) A Sub-Committee was appointed to monitor information with respect to the Council. The members are James B. Chadwick, Chairman, and Messrs. L. S. Fairbairn and C. R. Harris.

(b) On 28th August, 1974, a meeting was held with members of the Council in the Ontario Provincial Director's Board Room, for the purpose of reviewing directives arising at the meeting in Levis.

(c) The Committee approved a contribution of $500 to enable a Steering Committee of the Legal Aid Branch of the Council to hold meetings for the purpose of organizing an Association, the main objective of which would be:

> "To communicate as widely as possible information concerning Legal Aid, including case comments and other legal material; to encourage the use of conferences, seminars and workshops; to promote co-operation, communication, and development in the field of legal aid; to promote research of a specialized nature dealing with important aspects of legal aid; and to promote the general development of legal aid in Canada."

The Committee felt that to refuse a financial contribution to the Council at this initial stage of its development would not be appropriate and that the Ontario Plan might benefit by such an Association which in the future might gather valuable information pertaining to legal aid in Canada and also benefit from research done by the Association.

STUDENT LEGAL AID PROGRAMME — QUEEN'S UNIVERSITY, KINGSTON

The Committee considered a letter dated 29th July, 1974, from Professor Lyman R. Robinson, Acting Dean, Faculty of

Law, Queen's University, requesting members of the Committee to consider and rule on the following two questions:

(1) Whether it is proper for a Professor of Law who is not a member of the Ontario Bar, (either because he has not yet been called to the Bar, or because he is already a member of other Bars and has not sought to join the Ontario Bar), to act in an advisory capacity in the Student Legal Aid Programme;

(2) Whether it is proper for a Professor of Law (who is a member of the Ontario Bar but who does not carry on any private practice and accordingly does not carry Errors and Omissions Insurance) to act in an advisory capacity in the Student Legal Aid Programme.

Your Committee requested the Provincial Director to write all Law School Deans requesting them to adopt the following policy:

> "That a member of the Ontario Bar carrying the necessary insurance should be responsible at all times for the advice and assistance given to the public by students."

NON-RESIDENT APPLICATIONS

The Committee appointed a Sub-Committee to make recommendations as to what the criteria should be with respect to non-resident civil applications, the Sub-Committee to consist of James B. Chadwick, Chairman, and Messrs. L. S. Fairbairn and C. R. Harris.

COMMUNITY AND SOCIAL SERVICES — RE APPLICANTS ON FAMILY BENEFITS AND WELFARE

The Department of Community and Social Services initiated a pilot project where legal aid applicants on family benefits and welfare should not be interviewed by an Assessment Officer.

Mr. John B. Allen has now reported to the Committee that the pilot project is in effect across the Province. While a formal referral is still made to the Ministry of Community and Social Services and a formal report is made by them to the Area Director (in order to comply with the present wording of the Legal Aid Act), the applicant on family benefits and welfare no longer needs to undergo a financial interview before a certificate is issued.

DUTY COUNSEL AT PENAL INSTITUTIONS

The Director received correspondence dated 26th September, 1974, from Paul H. Megginson, Duty Counsel at Kingston

Penitentiary, pointing out difficulties which are experienced in rendering services to an inmate at penal institutions and recommending that the establishment of special panels of solicitors who are, in fact, willing to take cases relating particularly to the problems of the inmates of penal institutions.

The Committee recommended that a special panel not be initiated at this time.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends that the following be appointed as members of the Area Committees for the respective areas:

Essex County
Professor Neil Gold, Windsor

Lincoln County
J. Ronald Charlebois, Solicitor, St. Catharines

Resignations:
Lincoln County
A. J. Chapman, Q.C., St. Catharines

THE REPORT WAS ADOPTED

Mr. Bowlby, Chairman, presented a further Report of the Legal Aid Committee.

The Committee met on Thursday, 17th October, 1974. The following members were present: John D. Bowlby, Chairman, and Messrs. Chadwick, Common, Cooper, Cory, Fairbairn, Ferrier, Grange, C. R. Harris, MacKinnon, Trepanier and Wallace. Also present as a special guest was Mr. E. K. Pukacz, General Manager, Ministry of the Attorney General.

DUTY COUNSEL PROJECT IN PSYCHIATRIC HOSPITALS

On 17th October, 1974 a meeting was held under the chairmanship of G. E. Wallace with a number of Area Directors. Representatives of the Ministry of the Attorney General and the Ministry of Health, together with representatives of the Department of Community and Social Services and the Office of the Public Trustee, were also in attendance.

The purpose of the meeting was to discuss the implementation of a one year Duty Counsel Pilot Project to assist patients in psychiatric hospitals with their legal problems. It was agreed at the meeting that the project would commence in one month in fourteen psychiatric institutions including three mental retardation facilities associated with such institutions.

Several Area Directors advised the Chairman that they were already in operation and several indicated that they would have difficulty in obtaining lawyers to volunteer as duty counsel for this type of work.

Some Area Directors indicated that they would prefer to hand-pick duty counsel for the purpose. Other Area Directors stated that they would try to involve most of the Bar.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

— Mr. H. E. Harris

The Committee met on Thursday, 10th October, 1974, at 3:30 p.m., the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Carley, Grange, Rogers, Shepherd, Wallace and White, and Miss A. R. McCormick.

GREAT LIBRARY

COPYING MACHINE

The Committee approved a proposal that the availability of the copying and information services provided by the Great Library be publicized to the profession at large by means of a notice in the Ontario Reports.

SHEPHARD'S CITATORS

The Committee approved a proposal by the Chief Librarian for an expenditure to purchase a number of citators and back issues of the periodicals for ten years to enable lawyers to make more productive use of the American reports.

REPORTING

REASONS FOR JUDGMENT — BLUE PAGES

The Committee approved a change made by Chief Justice Gale in the heading at the beginning of the Blue Pages so that the paragraph will now read:

> "The summaries are prepared by the Court of
> Appeal Law Clerks and are published for the
> assistance of the profession with the authority
> of the Judges' Library Committee."

CITATIONS IN ONTARIO REPORTS

A Sub-Committee composed of Messrs. Grange and Krever was appointed to meet with Mr. Justice Arnup and Mr. Justice Kelly to discuss the change proposed by Mr. Justice Arnup to put citations in footnotes rather than the text of reasons for judgment.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

The Committee met on Thursday, 10th October, 1974 at 3:30 p.m., the following members being present: Messrs. Strauss (Chairman), Cass, Fennell and Trepanier.

The Committee considered an advertisement in an Ottawa newspaper, offering a course on incorporation of a company at a registration fee of $75 and advising that registrants can incorporate their own company at a saving of up to $400. The Committee decided to retain Counsel in Ottawa to investigate this matter and report back on the possibility of a prosecution under Section 50 of The Law Society Act.

The Committee considered a report of an investigation in London of a firm of Professional (Income Tax) Counsellors who were giving advice on wills, taxation, contracts and farm management. The Secretary was instructed to instigate an investigation to obtain evidence from persons dealing with this firm with the view to starting a prosecution.

The Committee had before it a transcript of an examination by a member of the Attorney-General's Department of a divorce kit for laymen which indicated a possible breach of The Law Society Act. The Secretary was instructed to contact the Attorney-General's Department to see if the Department would commence a prosecution under Section 50 of The Law Society Act.

The Committee approved a motion to notify the Crown Attorney in Brampton of a collection letter with the words "legal department" on the letterhead. The Secretary was instructed to notify the Ministry of Consumer and Commercial Relations to see if any enforcement regulations exist for this type of company.

The Committee considered a legal opinion from Counsel concerning a real estate company offering free legal services for purchasers of their houses. The Secretary was instructed to ask Counsel to investigate in order to obtain further evidence and if deemed advisable commence a prosecution under Section 50 of The Law Society Act.

The Committee considered the reasons for judgment of Mr. Justice Weatherston in a divorce action in which Seaway Divorcing Service had given improper legal advice. The Secretary was instructed to forward copies to Counsel, who are currently prosecuting Seaway Divorcing Service.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST — Mr. Sheard

Mr. Cory presented the Report of the Special Committee on J. Shirley Denison Bequest.

The Committee met on Thursday, 10th October, 1974, at 12:30 p.m., the following members being present: Mr. Sheard, Chairman, and Messrs. Pepper and Sedgwick.

APPLICATIONS

Several applications were before the Committee and a number of grants were authorized.

STUDENT APPLICATIONS

Applications were received from fifteen students. The Committee recommended that a number of payments be made.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON LAND REGISTRY SYSTEM — Mr. Carley

The Committee met on Friday, 21st September, 1974, and on Thursday, 10th October, 1974, the following members being present: Mr. Carley, Chairman, and Messrs. Seagram and Strauss.

The purpose of the Committee, as it conceives it, is to consider how the Law Society can assist in improving the Land Registry System in Ontario, the efficiency of which is of vital concern both to members of the Society and the general public.

Such considerations would appear to have both long-term and short-term aspects. The long-term aspects concern the type of system to be used and could require extensive changes in the substantive law, particularly in light of the Report of the Ontario Law Reform Commission on Land Registration made in 1971, and the more recent concepts of a modern cadastral system. A detailed study of these long-term aspects should no doubt be undertaken as a project of legal research by either the Law Reform Commission or some properly funded investigation. Your Committee believes that such a study would be more effective than one undertaken by this Committee.

Accordingly, your Committee believes that a concentration on the short-term aspects such as the improvement of present procedures, physical facilities and administrative organization within the existing system would at present be the most effective form of action.

A delegation composed of members of the County of York Law Association and the Ontario Section of the Canadian Bar Association attended upon the Minister of Consumer and Commercial Relations on August 27, 1974. At this meeting it was proposed to form a Liaison Committee between the Ministry and the profession, composed of three from the Canadian Bar Association, one from the County of York Law Association and one from the Law Society of Upper Canada, to review the managerial and administrative problems involved in moving people and paper with greater efficiency, including problems posed by The Execution Act and other statutes affecting land ownership.

Your Committee therefore recommends that it be empowered to have one of its members participate in the work of such Liaison Committee.

In the meantime the Committee proposes to continue considering ways of improving the present system.

THE REPORT WAS ADOPTED

CONVOCATION ROSE AT 3:30 P.M.

Read in Convocation and confirmed 15th November, 1974.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 15th November, 1974
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Borins, Bowlby, Carley, Carthy, Cartwright, Cass, Chappell, Common, Cory, Evans, Fennell, Finlayson, Goodman, Grange R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, Krever, Lochead, Maloney, O'Brien, Pallett, Pepper, Robins, Rogers, Seagram, Sheard, Sopha, Strauss, Wallace, White, Wilson and Zahoruk.

MINUTES

The Minutes of Convocation of 18th October, 1974 were read and confirmed.

MOTION — RULE 12(1)

It was moved and seconded that Rule 12(1) be amended by deleting the words "indicating thereon by an asterisk and a footnote the name of each candidate whose term of office as a bencher is about to expire". The motion was *lost*.

MOTION — RULING 35

It was moved, seconded and *carried* that a Special Committee be appointed to consider the Society's jurisdiction to pass Ruling 35 and, if such jurisdiction does exist, to consider whether the Ruling is desirable in its present form or in some altered form.

ANNUAL MEETING

It was moved, seconded and *carried* that the Annual Meeting of the Society be held on Saturday, 8th February, 1975, at the Four Seasons Sheraton Hotel, 123 Queen Street West, Toronto, beginning at 2:00 p.m. that the Society tender a luncheon before the meeting to all members of the Society who wish to attend.

SPECIAL COMMITTEE TO CONSIDER PROPOSED AMENDMENTS TO THE COMBINES INVESTIGATION ACT — Mr. Henderson

Mr. Cory presented the Report of the Special Committee.

The Committee composed of Messrs. Carley, Cory and Henderson as Chairman was appointed to consider the effect of proposed amendments to the Combines Investigation Act upon the members of the Law Society of Upper Canada.

The Committee considers that its recommendations as set out in this report should be dealt with by Convocation on the basis that Bill C-7 will be introduced at the next session of Parliament in the same form as Bill C-227.

The amendment of the Combines Investigation Act as found in Bill C-7 will have the effect of bringing within the scope of the statute the supply of services by professional bodies. "Product" is defined as including "services". Legal services will, therefore, fall within the scope of the provisions of the Combines Investigation Act.

Admissions and Entry

The amendments do not materially affect the position of the Law Society in respect of its power to govern the profession and its function relating to admissions and discipline.

We do not recommend that any submissions be made to the Minister of Consumer and Corporate Affairs relating to this aspect of the matter.

Commercial Activities of the Profession

The commercial activities of members of the Law Society will be materially affected by the proposed amendments to the Combines Investigation Act in some areas of such commercial activities.

(a) Legal Professional Fees authorized by Provincial Statutes

It should be noted that those fees of the profession that have been determined under the authority of a provincial statute do not fall within the scope of the Combines Investigation Act. It is our opinion, therefore, that the fees that have been determined as payable to members of the profession pursuant to the Legal Aid Act and the Tariff authorized under that Act are not brought within the scope of the Combines Investigation Act. Similarly, the Surrogate Court Tariff that has been determined by virtue of an Order-in-Council passed pursuant to the Surrogate Courts Act defines fees payable to the profession which are not subject to the provisions of the Combines Investigation Act.

Again, it is our opinion that the party and party costs as defined in a tariff determined by the Rules Committee created pursuant to the authority of the Judicature Act are in the same position as the Tariffs mentioned above and do not fall within the scope of the Combines Investigation Act.

(b) Tariffs of County Law Associations

On the other hand, it is our opinion that the Combines Investigation Act will clearly apply to those tariffs that have been brought out by county law associations. The members of the county associations in fixing a tariff would be parties to an arrangement or an agreement fixing fees, if such tariffs were sought to be made as enforceable tariffs in relation to the public. Accordingly, any agreement to fix fees for the supplying of services within a market could bring the members of the particular county association within the punitive provisions of Section 32 of the Combines Investigation Act.

It is our opinion that a suggested tariff would not contravene the provisions of the Combines Investigation Act. The difficulty, however, is that there is authority, established in the United States, that even though couched in the form of a suggestion, the natural and probable result of such an action by an association would be to persuade substantial numbers of the members to charge the prices suggested. An inescapable inference may arise of the existence of an agreement among competitors to charge a uniform price for services and thus give rise to sanctions under the Act. Accordingly, suggested tariffs do not appear to us to be an adequate safeguard to members of county associations who prepare county association tariffs.

RECOMMENDATIONS

It is our opinion that it is in the interest of the public as well as in the interest of the profession that some guide be given to the members of the public as to the value of legal services. If a fee is not determined for the average transaction which can serve as a guide to the public, the matter of fees will become chaotic, leading to the result that a deterioration of service may arise on the part of a substantial part of the profession with a resultant loss of confidence in the profession.

Accordingly, it is our opinion that steps should be taken to define a fee for legal services for the average transaction pursuant to the authority found in Sections 14 and 15 of the Solicitors Act. It is our recommendation that a committee be appointed to define a fee for transactions of average complexity.

In drawing such a tariff we would recommend that it be preceded by a preamble similar to that found in the York County Tarrif with the additional proviso that any account may be taxed before the Taxing Officer. Accordingly, we would recommend the following wording be considered as a preamble to any tariff for this purpose:

> "The scale of fees referred to in the tariff to be applied in matters of average complexity subject to increase or decrease when warranted and subject to review by the Taxing Officer."

We recommend that the committee be a committee of Convocation and that at least one of the lay members of Convocation be a member of that committee.

Assuming the compilation of a tariff by such a committee, and its final approval as set out below, we would recommend that there would be general publication of the right of a client to have his account taxed by the Taxing Officer. Access to the Taxing Officer should be quick and convenient, the procedure should be inexpensive and the application for taxation should be permitted at any time within a year from the client's receipt of the account.

We would, therefore, recommend that the committee give consideration to the subject-matter set out in the Legal Aid Tariff as defining some of those items in respect of which a tariff should be defined. We would further recommend that the committee give consideration to tariffs which might apply to different territorial areas and varying densities of population. In keeping with our recommendation that there should be ease of access to the Taxing Officer, we would recommend for the committee's consideration that there be a decentralization of authority and, if necessary, that additional Taxing Officers be appointed, located in centres throughout the Province.

We would contemplate that the committee would propose a tariff for the approval of Convocation for submission to the Rules Committee, after which the tariff would become a regulation by Order-in-Council, pursuant to the authority of Sections 14 and 15 of the Solicitors Act.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

Re: WILLIAM MAITLAND MACINTOSH, Port Carling

Messrs. Carthy, Common, Cory, Goodman, Grange, Krever, Rogers, Shepherd, Strauss and Trepanier were not present, took no part in the discussion and did not vote.

The solicitor attended with his counsel.

The Secretary read two Decisions of the Discipline Committee dated 2nd May, 1974 and 14th November, 1974 respectively. In the first Decision the Committee found that the solicitor had been guilty of professional misconduct and that the allegations contained in the two specific complaints had been established. In the second Decision the Committee found that the solicitor had been guilty of professional misconduct in respect of certain of the specific complaints.

It was moved and seconded that the Decisions of the Discipline Committee be accepted.

Counsel for the solicitor made submissions.

A motion was moved, seconded and *carried* to amend the finding of the Discipline Committee with respect to two specific complaints in the Decision of 14th November, 1974. Subject to the amendment, the Decisions of the Discipline Committee were *accepted.*

Counsel for the solicitor tendered the solicitor's request to be permitted to resign his membership in the Society effective 22nd November, 1974.

It was moved, seconded and *carried* that the solicitor be permitted to resign his membership in the Society effective 22nd November, 1974.

The solicitor gave his undertaking that during the interval until his resignation is effective, he will not engage in practice except as it may be necessary to close out his practice.

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:55 P.M.

The Treasurer and Benchers had as their special guests at luncheon The Honourable Mr. Justice G. A. Martin and Mrs. C. H. A. Armstrong. Mr. Justice Martin is a former Treasurer of the Society and a bronze portrait of him by Kenneth Jarvis was recently placed in the Benchers Reception Room.

CONVOCATION RESUMED AT 2:15 P.M., A QUORUM BEING PRESENT

DISCIPLINE COMMITTEE—Mr. Lochead

Re: MURRAY HERMAN, Toronto

Messrs. Cartwright, Common, H. E. Harris and Trepanier were not present, took no part in the discussion and did not vote.

The solicitor attended with his counsel.

The Secretary read the Decision of the Discipline Committee dated 2nd October, 1974, in which the Committee found that the solicitor had been guilty of professional misconduct in respect of certain of the specific complaints.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

It was moved, seconded and *carried* that the solicitor by Order be reprimanded in Convocation.

The solicitor was advised of his right of appeal and that if he wished to do so, he could waive his right of appeal and request that the penalty of reprimand be carried out forthwith. The solicitor waived his right of appeal and asked that the reprimand be administered forthwith.

The Treasurer reprimanded the solicitor.

REPORT OF MEETING WITH REPRESENTATIVES OF COUNTY AND DISTRICT LAW ASSOCIATIONS

Mr. Carley presented the Report on the meeting of the Treasurer and the Chairmen and Vice-Chairmen of the Society's Standing Committees with representatives of the County and District Law Associations and of the Approved Law Schools in Ontario at Osgoode Hall on 25th October, 1974.

There were present forty representatives of the County and District Law Associations; six representatives of the Approved Law Schools in Ontario; the Director of the Ontario Legal Aid Plan; the Director of the Bar Admission Course; a representative of The Law Society Gazette; the Treasurer and fifteen Chairmen and Vice-Chairmen of the Society's Standing Committees.

1. COMBINES INVESTIGATION ACT

The Report of the Special Committee which considered proposed amendments to the Combines Investigation Act had been circulated before the meeting.

The meeting generally favoured the Special Committee's recommendations, in particular the meeting favoured there being a tariff as a guide both to the public and the profession rather than leaving lawyers' fees completely open to be set individually.

2. WHETHER LAWYERS SHOULD GIVE THEIR PROFESSIONAL OPINION OF LAND TITLES OR CERTIFY THEM TO CLIENTS

The question was explored whether there was any difference in effect between a lawyer giving his opinion as to title or certifying it and whether it was relevant to the terms of the Society's Errors and Omissions Insurance.

The meeting was generally agreed that there was no real distinction to be drawn between the two forms of words and that using the words "I hereby certify" meant no more than simply giving an opinion and did not amount to a guarantee of the title. It was thought, however, that in the minds of some the use of the word "certify" might be taken to mean more than the use of the word "opinion" and might be thought to amount to a guarantee. It was difficult to gather a consensus though a majority seemed to favour avoiding confusion by giving an opinion rather than a certificate.

3. LIBRARY GRANTS

The meeting was told that one of the objects of The Law Foundation of Ontario was to support the establishment, maintenance and operation of law libraries. It was said that the fund would likely make a distribution in the new year and that the Society was prepared to apply to the Foundation for a grant to be used for County and District Law Libraries. The meeting was asked whether it favoured this approach or whether the individual Associations would prefer to apply separately to the Foundation for grants for their libraries. The meeting clearly favoured a single application being made by the Society on behalf of them all.

4. ANNUAL MEETING OF THE LAW SOCIETY

The meeting generally favoured continuing to hold the Meeting at the same time as the Canadian Bar Association meeting but felt that some change in the format of the Society's Meeting might be desirable.

It was suggested that the Treasurer's Report on the work of the Society be distributed to all members before the Annual

Meeting so that the Meeting itself could be devoted to a discussion of a few matters of particular interest. The meeting appeared to favour this suggestion.

5. PRACTICAL PROBLEMS IN THE PRESENT LAND REGISTRY SYSTEM

The Report of the Society's Special Committee on Land Registry System was reviewed and reference was made to the Report of the Ontario Law Reform Commission on Land Registration made in 1971.

During a general discussion of the practical working of the present system it was suggested that photostat machines should be available to provide lawyers with copies of titles; that the certification period should be shortened; that the six-month limitation period ought to be lengthened; and that there should be uniformity of registerable documents among the various Counties. It was also suggested that liens should be put into the computer more quickly and that executions should no longer apply only in one County.

THE REPORT WAS RECEIVED

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Mr. Krever, Vice-Chairman, presented the Report of the Legal Education Committee.

The Committee met on Thursday, 7th November, 1974 at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, Mr. Horace Krever, Vice-Chairman, and Messrs. Borins, Carthy, Cass, Cory, Finlayson, Grange, W. G. Gray, Howland, Rogers, Shepherd, Sopha and White.

DIRECTOR'S REPORT

The Director submitted the following matter for consideration:

Name — Bar Admission Course and Department of Continuing Education

The Committee considered the Director's suggestions and discussed using a name such as "Osgoode Hall Legal Education Centre" to identify the Society's legal education functions, both Bar Admission Course and Continuing Education.

The Committee recommended that the concept of identify-ing the legal education functions of the Society by an appropriate name be approved.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

The Committee met on Thursday, 7th November, 1974 at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cartwright, Grange, R. J. Gray, MacKinnon, Seagram, Shepherd and Sopha.

ADMISSIONS OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Thirteen candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course, as of 1st September, 1974. Twelve applied under Regulation 26(5) and one under Regulation 7.

Approved

TRANSFER FROM JURISDICTIONS OUTSIDE CANADA

Two applications for permission to proceed under Regulation 5 were before the Committee. One was approved and the other rejected.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. W. G. Gray

The Committee met on Thursday, 7th November, 1974, at 10:30 a.m., the following members being present: Messrs. W. G. Gray (Chairman), Shepherd (Vice-Chairman), Beament, Cartwright, Fennell, H. E. Harris, Levinter, MacKinnon and Pepper.

ACCOUNTS

From 1st October, 1974 to 31st October, 1974 accounts (including Library Accounts), properly approved, to the amount of $248,226.41 have been paid.

Financial Statement, 1st July, 1974 to 31st October, 1974

A statement of receipts and disbursements for the period 1st July, 1974 to 31st October, 1974 was approved.

Rolls and Records

Appointment to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society was placed in abeyance upon his assuming office:

John Heathcote Caldbick, Q.C., Timmins	Called—23 June 1955 Appointed Provincial Judge, Criminal Division, District of Cochrane—9 October 1974

Deaths

The following members have died:

Frank Albert Pugsley, Daytona Beach, Florida (Life Member)	Called—19th May 1921 Deceased—12 September 1974
Hugh John O'Donnell, Q.C. Perth	Called—29 June 1949 Deceased—21 October 1974
Brian William Doherty, Q.C., Niagara-on-the-Lake	Called—19 September 1929 Deceased—30 October 1974
Irving Stuart Fairty, Q.C., Islington (Life Member)	Called—7 June 1907 Deceased—3 November 1974
Harry William Donaldson Kilgour, Q.C., Toronto	Called — 19 June 1947 Deceased—3 November 1974

Resignation

William John Major of Toronto applied for permission to resign his membership in the Society and asks that his letter be accepted in lieu of a Declaration, and also requested that he be relieved of the requirement of publication in the Ontario Reports. Mr. Major became a Life Member in November, 1973.

Approved

Membership Under Rule 50 —
Retired Members

The following members, who are sixty-five years of age and fully retired from the practice of law and other employment, request consideration of their applications to continue their membership in the Society at a reduced annual fee of $25:

Mary Alice Edith Appleby	Islington
John Frederick Clarke	Toronto

Approved

CHANGE OF NAME

Marie Louise Germaine Suzanne Séguin Garfin requests that her name be changed on the Rolls of the Society to *Suzanne Séquin Garfin.*

Approved

COUNSEL'S ACCOUNT

At its meeting on 10th October 1974, the Committee approved payment of 25% of an account rendered by Messrs. Rauenbusch, Torkin & Manes for professional services in connection with the brief to the Government of Ontario on The Land Speculation Tax Act, 1974, amounting to $3,407.90. From subsequent discussions with the Canadian Bar Association, it appears that this and other costs associated with the brief should be shared by the Association and the Law Society 50-50.

The Committee is asked to approve the payment of 50% of Counsel's account rather than 25% as previously approved.

Approved

CLARKSON, GORDON & CO.

Clarkson, Gordon & Co. have submitted an account dated 22nd October 1974, for professional services in connection with the Society's accounts for the period ended 30th June 1974, and other work.

Approved

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Evans, Vice-Chairman, presented the Report of the Professional Conduct Committee.

The Committee met on 7th November, 1974, at 9:30 a.m., the following members being present: Mr. Arthur Maloney, Chairman, and Messrs. Carthy, Cartwright, Chappell, Cory, Evans, Fennell, FitzGerald, Grange, R. J. Gray, Humphrey, Krever, MacKinnon, Rogers, Seagram, Strauss and Wallace.

PROFESSIONAL CONDUCT HANDBOOK

It is the practice to supply to the members of the teaching portion of the Bar Admission Course a copy of the Professional Conduct Handbook. The Committee approved an increase in the cost when supplying individuals from $1.00 to $1.75 per copy.

RULING 30 — PUBLIC APPEARANCES BY SOLICITORS

In the light of recent enquiries to the Committee it has become apparent that the provisions of Ruling 30 should be reviewed. Accordingly, a sub-committee has been appointed to perform this function.

One of the enquiries in question has come from a lawyer who has advised that a Canadian television network plans to produce for national television in Canada a dramatization of a case in which he was counsel. The Committee instructed the Secretary to advise that in its opinion it would not be considered in good taste for a lawyer to appear as himself in the dramatization.

Two other matters involving Ruling 30 as well as Ruling 3 were discussed by the Committee. They concern television programmes dealing with matters of public interest such as the pros and cons of abortion, height by-law restrictions, divorce and property rights of married people. The Committee has instructed the Secretary to write to both lawyers advising that Ruling 30 is presently under review by a sub-committee and that the Committee is presently of the view that repeated appearances as suggested in each case would probably be considered as contrary to the provisions of Ruling 30 and Ruling 3. It is also to be pointed out that in similar situations in the past a roster of lawyers appearing on programmes, as opposed to one lawyer, found acceptance with the Committee.

CRITICISM OF THE CRIMINAL BAR

In a recent issue of a Toronto morning newspaper there appeared an article wherein one of the Society's members was reported to have said:

"There are lawyers who make their living almost exclusively making deals with the police. They never fight a case — they bargain it. In my view these people are not lawyers, they are claims adjusters. The Law Society should be interested in them but it is not."

The Committee has appointed a sub-committee to meet with the lawyer to discuss his allegations, undertake whatever investigation they feel warranted and report back to the Committee.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE —
Mr. H. E. Harris

The Committee met on Thursday, 7th November, 1974, at 3:30 p.m., the following members being present: Messrs. H. E. Harris (Chairman), Borins, Carley, Grange, Rogers, Shepherd, Wallace and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

READER PRINTER

The Committee discussed the purchase of a reader printer for the Great Library. The Committee approved a motion authorizing the Chief Librarian to obtain a reader printer on a trial basis.

COUNTY LAW LIBRARIES

SUB-COMMITTEE ON GRANTS

The Committee noted that a letter will be sent by the Secretary to the Presidents of all the County Law Associations asking for their views on the proposed submission by the Law Society to The Law Foundation of Ontario.

REPORTING

CITATIONS IN ONTARIO REPORTS

The Committee approved in principle the policy of placing the citations of cases in reasons for judgment in a footnote at the bottom of each page on which the citation appears. Canada Law Book Limited is estimating the cost of this change. A sub-committee is to meet with Mr. Justice Arnup to discuss the matter.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Fennell, Vice-Chairman, presented the Report of the Unauthorized Practice Committee.

The Committee met on Thursday, 7th November, 1974, at 3:30 p.m., the following members being present: Messrs.

Strauss (Chairman), Fennell, Cooper, White, FitzGerald, Sopha, Chappell, Cass and Cartwright.

The Secretary reported to the Committee that he had received a complaint from a lawyer in Oshawa enclosing a deed, statement of adjustments and statutory declaration which appear to have been drafted by employees of a realty company. The Secretary also reported that a further letter had been received with respect to this matter from a firm of Sudbury solicitors wherein it is stated that the realtors are not only preparing the transfers but are also drawing up the statement of adjustments and attempting to answer requisitions on title. A member of the Committee is investigating the matter and will report back to the Secretary.

The Committee was informed about the operation of Seaway Divorcing Service in the cities of Sudbury and Sault Ste. Marie. It was decided that no action be taken until judgment has been rendered in a case involving this organization.

The Committee considered an advertisement which appeared in the London Free Press recently wherein it was indicated that blank will forms comprised of two pages would be provided at a cost of $2.00. The Committee determined that this was not a matter for action by it but should be referred to the Consumer Protection Bureau, Ontario Ministry of Consumer and Commercial Relations.

It was reported by the Secretary that he had had an interview with a layman, who advised that 800 farmers in the Counties of Perth, Oxford and Waterloo had been advised on their wills by either him or his father. The Secretary was instructed to contact the President of the three county law associations and forward to them a copy of a bulletin that had been distributed by this layman as well as a copy of the Society's brief of Unauthorized Practice cases and ask if any one of those associations has evidence of what might be construed as unauthorized practice by this person.

A complaint from a member of the profession concerning a layman, who appears to be acting as an immigration consultant and who is alleged to have stated that he is a lawyer, was considered. The Secretary was instructed to refer this matter to counsel for investigation, and if sufficient evidence is obtained to carry out a prosecution.

The Committee has been in communication with an Ottawa lawyer concerning a company which advertises a course on incorporation of companies. An expenditure of $75 towards the cost of an investigation has been authorized.

A lawyer in Campbellford wrote to the Committee to report the activities of three persons in Peterborough County. The Secretary has been instructed to telephone the correspondent to discuss with him the type of evidence that is required before a prosecution can be launched and to send to him a copy of the brief of cases to assist him in this regard.

A lawyer in Orillia has written to the Society concerning a divorce kit business. The Committee instructed the Secretary to refer this matter to the Anti-Rackets Squad of the Ontario Provincial Police for their attention.

The Committee's attention was drawn to the practice of a trust company charging $35 for the preparation of a discharge of mortgage. The charging by non-lawyers for the preparation of discharges of mortgages has been considered by the Committee in the past. The opinion has been reached that this type of conduct does not constitute unauthorized pracice and the Secretary was instructed to take no further steps on this complaint.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

The Committee met on Thursday, 7th November, 1974, at 12:30 p.m., the following members being present: Messrs. Cass, Cory, Pepper and Sheard (Chairman).

APPLICATIONS

The Committee approved two applications and recommended that grants be made to two persons.

STUDENT APPLICATIONS

The Committee considered four applications for grants and the recommendations of the Assistant Director of the Bar Admission Course. The Committee recommended that two grants be made.

THE REPORT WAS ADOPTED

APPOINTMENT OF REPRESENTATIVE TO CANADIAN NATIONAL EXHIBITION ASSOCIATION

It was moved, seconded and *carried* that Mr. W. B. Common be appointed the Society's representative to the Canadian National Exhibition Association for 1975.

LEGAL EDUCATION COUNCIL

It was moved, seconded and *carried* that the Treasurer be authorized to appoint the Society's representatives to the Legal Education Council.

CONVOCATION ROSE AT 4:30 P.M.

Read in Convocation and confirmed 17th January, 1975.

STUART THOM
Treasurer

THE PROPERTY OF
THE LAW SOCIETY

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 17th January, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Borins, Bowlby, Carley, Carrier, Carthy, Cartwright, Cass, Chappell, Common, Cooper, Fennell, Finlayson, R. J. S. Gray, W. G. Gray, H. E. Harris, W. E. Harris, Humphrey, Krever, Levinter, Maloney, O'Brien, Ogilvie, Pepper, Robins, Rogers, Seagram, Sheard, Shepherd, Slemin, Sopha, Strauss, Trepanier, Wallace, White, Williston, Wilson and Zahoruk, and Mesdames Sutherland and Tait.

APPOINTED BENCHERS

The Treasurer welcomed the four Benchers appointed by the Lieutenant Governor on 20th November, 1974. Mr. Joseph D. Carrier, Toronto, Mr. Noel Ogilvie, Grimsby, Mrs. Roseanne Sutherland, Sudbury, and Mrs. Reginae M. Tait, Toronto, were present in Convocation for the first time.

MINUTES

The Minutes of Convocation of 15th November, 1974 were read and confirmed.

SPECIAL COMMITTEE ON RULING 35

The Treasurer informed Convocation that he had appointed a Special Committee on Ruling 35 consisting of Mr. Chappell, Chairman, and Messrs. Cass, Cooper, W. G. Gray, Henderson, Humphrey and Pepper.

SPECIAL COMMITTEE ON TARIFFS
(Combines Investigation Act)

The Treasurer informed Convocation that he had appointed a Special Committee on Tariffs consisting of Mr. Carley, Chairman, Messrs. Carrier, Evans, Henderson and Wallace and the Presidents (or their representatives) of the County Law Associations of York, Carleton and Sudbury.

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented two items from the Report of the Admissions Committee of its meeting on 9th January, 1975, as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidate having successfully completed the Fifteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, now applies for Call to the Bar and to be granted a Certificate of Fitness

Saul Jonas

Mr. Jonas became a Canadian Citizen on 17th December, 1974.

Approved

SPECIAL

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case, is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Peter Edward Vivian	Special — Faculty of Law University of Western Ontario — Fee $200

Approved

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

At its meeting on the 9th of January, 1975, the Admissions Committee recommended that the following applicant be allowed to proceed under Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor.

Pierre Cloutier	Province of Quebec

Approved

THIS PORTION OF THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Cartwright

Re: STEPHEN CHARLES FRENCH, Q.C., Toronto

The Treasurer, having previously declared a conflict of interest, retired from Convocation.

Mr. Robins assumed the chair, the following being present: Messrs. Borins, Bowlby, Carley, Cartwright, Fennell, W. G. Gray, Griffiths, W. E. Harris, Krever, Seagram, Sopha, Strauss, Wallace, White and Zahoruk.

The solicitor attended without counsel.

The Chairman reminded Convocation that the matter had been adjourned at the solicitor's request on 20th January, 1972, to afford the solicitor an opportunity to prepare his submissions with respect to the motions respecting penalty and particularly the motion that he be disbarred. The matter was further adjourned on 18th February, 1972 and was adjourned *sine die* on 17th March, 1972, because the solicitor had commenced certiorari proceedings. These proceedings were carried to the Supreme Court of Canada and were decided in the Society's favour. Notice having been given to the solicitor, the proceedings before Convocation were resumed at the point at which the interruption had occurred.

The Chairman advised Convocation that on the day before this Convocation the Society had been served with Notice of Motion returnable on the Monday following Convocation (20th January, 1975) for an order restraining the Society from proceeding on the ground that in a civil action which the solicitor has commenced against the Society one of the items of relief claimed is a declaration that the proceedings presently before Convocation are void *ab initio*. The Chairman stated that on the advice of counsel, Mr. John J. Robinette, Q.C., the Society's position is that the point has already been argued before the Supreme Court of Canada in the proceedings already referred to and that the Court has rejected the solicitor's allegation, so that Convocation, having a duty to the public to complete the present proceedings, should resume them forthwith.

The solicitor made submissions and asked for an adjournment pending the disposition of the civil action he has brought against the Society.

It was moved, seconded and *carried* that the application for an adjournment be denied and that Convocation proceed with the matter.

The solicitor made submissions, asking for an adjournment of at least one month to give him time to prepare his position and to arrange for counsel and witnesses.

It was moved, seconded and *carried* that the request for a further adjournment be denied.

The solicitor made submissions as to penalty.

It was moved, seconded and *carried* that Convocation by Order suspend the solicitor for a period of two years.

The Treasurer returned to Convocation.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Saul Jonas
Peter Edward Vivian
Pierre Cloutier (Occasional Appearance)

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:15 P.M.

The Treasurer and Benchers had as their guests at luncheon The Honourable Mr. Justice J. W. Morden and Mr. Jerome Pollock, F.C.A., President of The Institute of Chartered Accountants of Ontario.

CONVOCATION RESUMED AT 2:25 P.M., A QUORUM BEING PRESENT

LEGAL AID—Mr. Bowlby

Mr. Bowlby, Chairman, presented the Report of the meeting of the Legal Aid Committee on Wednesday, 6th November 1974.

The following members were present: George E. Wallace, Vice-Chairman (in the Chair), and Messrs. Barnes, Carthy, Chadwick, Cooper, Cory, Fairbairn, Finlayson, FitzGerald, Grange, C. R. Harris, Humphrey, Levinter and MacKinnon.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of September 1974.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the month ended September 1974.

Budget for the Fiscal Year 1975-76

The Controller submitted an estimate of the cost of the Legal Aid Plan for the fiscal year 1975-76.

The budget for the said fiscal year included an estimate of the sum that would be received from the interest on solicitors' trust funds in the amount of $3,000,000. It is the recommendation of the Committee that this sum not be included in the said estimates. The Committee recommends that the interest on trust funds be set aside for the purpose of contributing towards the cost of new initiatives generated either as a result of the pending report of the Task Force or by the Law Society itself.

FOUNDATION FOR LEGAL RESEARCH — LEGAL AID STUDY

The Treasurer of the Law Society has forwarded to the Provincial Director a letter from The Honourable Mr. Justice

A. B. B. Carrothers, a Trustee of the Foundation for Legal Research in Canada.

Mr. Justice Carrothers suggested that there has now been sufficient experimentation with Legal Aid Plans in Canada to find out whether what is being done is reasonably effective and efficient, satisfactory from the point of view of the public (both those utilizing legal aid and those supporting it through taxes), from the point of view of the legal profession and the courts, and from the point of view of other social services and government, and to make recommendations for improvement.

The Committee, after reviewing the correspondence, requested the Director to advise Mr. Justice Carrothers that such a project was premature due to the fact that the Law Society was awaiting the report of the Task Force, and also noted that several provinces had just initiated their legal aid programmes.

STUDENT LEGAL AID SOCIETIES

On Friday, 25th October, 1974, under the chairmanship of Mr. FitzGerald, a meeting was held with representatives from Student Legal Aid Societies from six Law Schools in Ontario. Also present were Dean Martin Friedland, University of Toronto; Dean H. Hubbard, University of Ottawa; Dean D. Soberman, Queen's University; Professor A. Grant, Osgoode Hall Law School; and Dean J. P. S. MacLaren and Professor Neil Gold, University of Windsor.

The matters discussed were:

1. FUNDING

The 1973-74 Legal Aid budget allocated the sum of $60,000 to be paid to six Law Schools for approved Student Legal Aid Programmes.

Convocation, in June 1974, approved the recommendation that $40,000 be distributed on the basis of student enrolment at the Law Schools. This resulted in the following distribution:

Total	Toronto	Osgoode	Queen's	Windsor
$40,000	6,320	11,600	5,560	6,000
	Ottawa	Western		
	4,640	5,880		

Your Committee recommends that the remaining $20,000 be distributed as follows:

Total	Toronto	Osgoode	Queen's	Windsor
$20,000	5,680	400	3,440	3,000
	Ottawa	Western		
	4,360	3,120		

Each of the six Law Schools will receive an allocation of $8,000 to cover the basic costs of operating a Student Legal Aid Programme and in the case of the University of Toronto and Osgoode Hall Law School a further $3,000 each to cover extra operating costs.

2. SUPERVISION

Each Law School has developed its own method of supervising the work of their students. Undoubtedly there is a need for some uniformity in this area.

Your Committee recommends that the matter of supervision of the Student Legal Aid Societies be referred to the Sub-Committee on Student Legal Aid Societies for its consideration and recommendations.

3. RELATIONSHIP BETWEEN STUDENT SOCIETIES AND LOCAL AREA DIRECTOR

It was generally agreed that there should be regular meetings between each Student Society and their Area Director to maintain an ongoing communication between them, so that the students will be clear as to the policy of the Area Director concerning referrals and other matters of mutual concern.

4. REQUESTS BY STUDENT SOCIETIES FOR REPRESENTATION ON LEGAL AID COMMITTEE AND ON LOCAL AREA COMMITTEES

Your Committee recommended that the request that Student Legal Aid Societies have representation on local Area Committees and that a representative from the said Societies be appointed to the Legal Aid Committee be considered by the Sub-Committee on Student Legal Aid Societies.

UNIVERSITY OF WESTERN ONTARIO — CLINICAL PROGRAMME

A letter has been received from Dean David Johnston of the University of Western Ontario requesting a contribution of funds from the Legal Aid Plan to the University's Clinical Training Programme.

Your Committee recommends that Dean Johnston's letter be referred to the Sub-Committee on Student Legal Aid Societies for consideration.

NON-RESIDENT APPLICATIONS

At the October meeting of your Committee in Ottawa, representatives from the Quebec Legal Aid Plan attended and discussed problems with respect to the issuance of non-resident certificates. It was recommended that a Sub-Committee be appointed to review the matter.

The Committee has reviewed in depth the report of the Sub-Committee which recommends that Ontario enter into a temporary reciprocity agreement with the Province of Quebec. Your Committee approves the Sub-Committee's recommendation that a Pilot Project operate for a period of twelve months but that before the Project commences it receive the approval of the Attorney General.

REQUEST FOR EXTENSION OF CERTIFICATES OVER 125

E. J. McGrath, Solicitor, London, applied for an increase in excess of 125 certificates for the fiscal year April 1, 1974 to March 31st, 1975. The solicitor appeared before the Committee.

The Committee recommends that the solicitor be permitted an increase to 175 certificates.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area. The following are recommended as members of the Area Committees for the respective areas:

Norfolk County

James R. Tyrell, Solicitor, Simcoe

Wellington County

William D. Nicholls, Clerk, Family Court, Guelph

Brant County

Mrs. Marnie Knechtel, Housewife, Brantford

RESIGNATIONS

Peterborough County
John A. Bradshaw, Q.C.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the meeting of the Legal Aid Committee on Wednesday, 4th December, 1974.

The following members were present: John D. Bowlby, Chairman, and Messrs. Cory, Fairbairn, Ferrier, Finlayson, FitzGerald, Grange, MacKinnon, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of October 1974.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the month of October 1974.

Circular to Members of the Profession on Legal Aid Panels

The Committee has recommended that a circular pertaining to Legal Aid be distributed on a quarterly basis to all members of the Bar. The circular would inform the profession as to what is going on within the Plan and should be approved by the Chairman of the Legal Aid Committee and deal only with matters approved by the Committee and Convocation.

MEETING OF PROVINCIAL DIRECTORS

On Thursday, 28th November, and Friday, 29th November, 1974, the Provincial Directors or their representatives from nine provinces attended a meeting in the Board Room of the Ontario Provincial Director. Judge Robert Sauvé, President of the Legal Services Commission, Quebec, chaired the meeting. Minutes of the meeting will be distributed in 1975.

REQUEST FOR EXTENSION OF CERTIFICATES OVER 125

D. H. Tait, Solicitor, Windsor, applied for an increase in excess of 125 certificates for the fiscal year April 1, 1974 to March 31st, 1975. The solicitor appeared before the Committee.

The Committee recommends that the solicitor be permitted an increase to 200 certificates.

LEGAL AID — YORK COUNTY

The Committee reviewed correspondence from W. R. Donkin, Area Director, York County, setting out current statistics on Legal Aid applications in York County. Mr. Donkin advised the Committee that since the criminal function of the York County office had been transferred to the Old City Hall, criminal applications in the ensuing four weeks had increased 35%.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area. The following are recommended as members of the Area Committees for the respective areas:

Simcoe County

John N. Darling, Q.C., Alliston
W. J. Canning, Probation Services, Barrie
Lionel Dion, Reeve, Penetanguishene (a layman)

Waterloo County

Derek Mills, President, Cambridge Labour Council, Cambridge

RESIGNATIONS

Essex County

Pierre Blais, Solicitor

Simcoe County

Charles T. Evans, Q.C.

Waterloo County

Professor W. G. Scott, Kitchener

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the meeting of the Legal Aid Committee on Wednesday, 15th January, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carley, Carthy, Chadwick, Cooper, Fairbairn, Ferrier, Finlayson, FitzGerald, Griffiths, C. R. Harris, A. W. Maloney, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of December 1974.

CONTROLLER'S REPORT

The Controller submitted the Statistical Report for the month of December 1974.

COMPOSITION OF LEGAL AID COMMITTEE AND AREA COMMITTEES

(a) ADDITION OF LAY REPRESENTATIVES TO THE LEGAL AID COMMITTEE

In April, 1974, Convocation approved in principle that lay representatives be added to the Legal Aid Committee. Convocation has not yet been asked to formally approve such a step. It is suggested that Convocation approve adding 10 lay members to the Legal Aid Committee, the method and term of their appointments to be left for discussion with the Attorney General with a view to assuring responsible and appropriate representation.

(b) ADDITION OF STUDENT REPRESENTATIVES TO THE LEGAL AID COMMITTEE

It is suggested that one member nominated by the Student Legal Aid Societies be appointed annually to become a member of the Legal Aid Committee.

(c) COMPOSITION OF AREA COMMITTEES

It is recommended that lay representatives be added to all Area Committees and that a student also be included, if appropriate, in accordance with recommendations as contained in the Community Legal Services Report.

APPOINTMENT OF DEPUTY PROVINCIAL DIRECTOR

Section 3, Subsection (2) of the Legal Aid Regulation reads as follows:

"3.(2) The Law Society may appoint one or more deputy directors."

The Legal Aid Committee at its December meeting unanimously endorsed that Dermot J. McCourt, Controller of the Legal Aid Plan, be appointed Deputy Director. Your Committee further noted that should the position of Provincial Director become permanently vacant the Controller's automatic succession would not be implied due to the fact that the Law Society endorses the principle that a member of the legal profession should head the Legal Aid Plan.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area. It is recommended that the following be appointed a member of the Area Committee for the respective area:

Carleton County

John P. Manley, 2nd year student, Common Law Faculty, University of Ottawa.

The Area Committee, Carleton County, recommended that a second year student be appointed rather than a third year student in order that the student would sit on the Area Committee for a total of two years.

THE REPORT WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Krever

The Committee met on Thursday, 9th January, 1975 at 2:30 p.m., the following members being present: Mr. H. Krever, Vice-Chairman in the Chair, and Messrs. Borins, Carthy, Cass, Finlayson, Griffiths, Rogers and Shepherd.

DIRECTOR'S REPORT

Appointment of Director

George W. Collins-Williams, Q.C., has been selected as the next Director to commence his duties full-time when the position becomes vacant on 1st July, 1975.

The Committee recommends that Mr. Collins-Williams be appointed Director of the Bar Admission Course as of 1st July, 1975, subject to the approval of the Finance Committee.

Faculty Appointments

It is recommended that the following appointments be approved for the 1974-75 teaching term of the Bar Admission Course:

Donald H. L. Lamont, Q.C., to continue as Head of the Real Estate and Landlord and Tenant Section.

A. R. A. Scace, to continue as Head of the Income Tax Section.

Norman MacL. Rogers, Q.C., to continue as Head of the Law Office Organization and Procedure Section, with John P. Hamilton as Assistant Head and Albert A. Strauss, Q.C., as Co-ordinator.

R. J. Rolls, Q.C., to continue as Head of the Civil Procedure I Section.

W. D. Griffiths, Q.C., to continue as Head of the Civil Procedure II Section with J. W. O'Brien as Assistant Head.

J. C. MacDonald, Q.C., to continue as Head of the Family Law Section.

J. Gordon Coleman to continue as Head of the Corporate and Commercial Law Section with Allen Karp as Assistant Head.

D. G. Fuller to continue as Head of the Estate Planning Section.

Approved

Grading Policy

In September the Committee referred to the Bar Admission Course Advisory Committee the question of whether a change should be made in the grading policy to substitute a pass/fail system in place of the present system of grading passes into further subclassifications of Honours, Pass Class I and Pass Class II.

The Committee recommends that the policy of the Bar Admission Course in relation to examinations be changed to abolish the class rankings of Honours, Pass Class I and Pass Class II, in favour of a system whereby students are simply graded as having passed or failed and that such change be implemented for this current teaching year. (*See motion following this Report.*)

Federation of Law Societies of Canada

Instructions are requested to conduct for the Federation of Law Societies of Canada extended courses in:

(a) Criminal Law: Part I, Criminal Procedure; Part II, Criminal Evidence and Advocacy:

(b) Corporate and Commercial Law: Canadian Corporations and Securities Legislation.

Approved

Liaison with Law Faculties

Convocation has authorized an invitation by the Bar Admission Course to members of the faculties of Ontario Law Schools to meet with the appropriate Head of Section and his instructors. The purpose of the meeting would be to discuss the content of the section in order to achieve a better understanding of what is, and what should be taught at the Bar Admission Course level. We have been in touch with all the Heads of Sections and each of the six Ontario Law Schools about these meetings and have prepared estimates of the cost to hold three of them, one in Real Estate, a second in Civil Procedure combining the Sections on Civil Procedure I and Civil Procedure II, and a third in Income Tax.

Approved, subject to the approval of the Finance Committee.

It was moved, seconded and *carried* by way of amendment that the last four words of the item regarding *Grading Policy* be struck out and replaced by the words "the Seventeenth Bar Admission Course", (i.e., the teaching term commencing in September 1975).

THE REPORT AS AMENDED WAS ADOPTED

FINANCE COMMITTEE—Mr. W. G. Gray

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee of the meeting on Wednesday, 4th December, 1974.

The following members were present: Messrs. Gray (Chairman), MacKinnon, Trepanier, W. E. Harris, Pepper, Sheard, Levinter and Howland. Also present at the invitation of the Chairman were: Messrs. Krever, Grange and MacDonald, and Mrs. Knox.

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

The following members, who are sixty-five years of age and fully retired from the practice of law and other employment, request consideration of their applications to continue their membership in the Society at a reduced annual fee of $25:

Alfred Stanley Marriott, Q.C., Toronto
Donald MacEwan Egener, Q.C., London
Manuel Frankel, Toronto
Norman Levy, Toronto
Ronald Harper Smith, Whitby

Approved

BAR ADMISSION COURSE — REGIONAL SECTIONS

The Committee considered the impact which the regional projects might have on the sources of revenue available to the Society, namely, the grant from the Government of Ontario, student fees and a possible grant from The Law Foundation of Ontario. It was agreed that the estimated costs should be reviewed with those controlling the sources of income.

The Committee considered that after the presentation which is to be made to the Committee on University Affairs later in December, the Chairman of the Legal Education Committee and the Treasurer should consider discussing regionalization of the Bar Admission Course and the ramifications of it in terms of cost with the appropriate persons in the Government of Ontario.

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented the Report of the Finance Committee of the meeting on Thursday, 9th January, 1975.

The following members were present: Messrs. Gray (Chairman), Beament, Fennell, H. E. Harris, Pallett, Pepper, Sheard, Shepherd, Trepanier and Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Kenneth Aylsworth Langdon, Georgetown	Called — 19th April 1963 Appointed Provincial Judge, Criminal Division, County of Peel — 13th November 1974
Leonard Thorburn Montgomery, Q.C., Orillia	Called — 26th June 1958 Appointed Provincial Judge, Criminal Division, County of Simcoe — 20th November 1974
George Arthur Phillips, Q.C., St. Thomas	Called — 28th June 1956 Appointed Provincial Judge, Criminal Division, County of Elgin — 2nd December, 1974
Lewis Sidney Geiger, St. Catharines	Called — 26th June 1958 Appointed Provincial Judge, Criminal & Family Divisions, District of Parry Sound — 30th December 1974
Bert James MacKinnon, Q.C., Toronto	Called — 15th September 1949 Appointed Judge, S.C.O., Court of Appeal — 20th December 1974
Peter deCarteret Cory, Q.C., Toronto	Called — 29th June 1950 Appointed Judge, S.C.O., High Court of Justice — 20th December 1974
Samuel George McDougall Grange, Q.C., Toronto	Called — 16th September 1948 Appointed Judge, S.C.O., High Court of Justice — 20th December 1974
Patrick Stanley FitzGerald, Q.C., Sault Ste. Marie	Called — 19th June 1947 Appointed District Court Judge, District of Rainy River — 31st December, 1974

Deaths

The following members have died:

John Dennis O'Brien, Q.C., Toronto (Life Member)	Called — 25th May 1917 Deceased — 19th November 1974
Maurice Eldridge Downs, Q.C., Wiarton	Called — 21st September 1939 Deceased — 29th November 1974
Joseph Frank Pierre Blais, Windsor	Called — 19th April 1963 Deceased — 25th November 1974
Robert Forsyth, Q.C., Toronto (Life Member)	Called — 20th May 1920 Deceased — 16th December 1974
Nixon Telford Berry, Q.C., Toronto	Called — 17th September 1931 Deceased — 2nd January 1975

Noted

Membership Under Rule 50 — Retired Members

The following members, who are sixty-five years of age or over and fully retired from the practice of law and other employment, request consideration of their applications to continue their membership in the Society at a reduced annual fee of $25:

Alan Osler Gibbons, Ottawa
John Francis Gillis, Halifax
Geoffrey Sidney Gilfoy, Smiths Falls
Douglas Garner Kerr, Chatham
Shirley Armstrong King Logan, Sarnia
Allan Bertram Moore, Cobourg
George Graham Morrow, Toronto

Approved

Resignation

George Edward Grantham Whitaker of London applies for permission to resign his membership in the Society and submits his Declaration in support, with a request that he be relieved of the requirement of publication in the Ontario Reports.

The Committee recommends that Mr. Whitaker be permitted to resign without advertisement and without payment of fees for 1974-75.

CHANGE OF NAME

John Finbarr Foley requests that his name be changed on the Rolls of the Society to *Séan Finbarr Foley.*

Approved

Anna Marie Herman requests that her name be changed on the Rolls of the Society to Marie *Davison*, her married name.

Approved

FINANCE POLICY

The Treasurer has requested a review of two aspects of finance policy. A report of the Finance Administrator was before the Committee. It recommended the following changes:

(a) Fees payable by students as admission fees on entering the articling portion of the Bar Admission Course should be considered income of the Course rather than general income.

(b) That any surpluses generated by activity of the Department of Continuing Education should be retained as a reserve for future developments in that department rather than being used to alleviate deficits from other activities.

The Committee recommends that item (b) be approved but that no action be taken with regard to item (a).

COMPUTER

A study is being made to determine whether it would be advantageous for the Society to have a computer to handle some of the Society's records. The Finance Administrator will submit a report on this subject at the next regular meeting.

RECOVERY OF EXPENSES OF DISCIPLINE INVESTIGATIONS

A report of the Finance Administrator was before the Committee. It recommended that a programme be established under which a quarterly report would be prepared for the Discipline and Finance Committees, showing amounts due and amounts remaining unpaid.

Approved

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented the Report of the Finance Committee of the meeting on Friday, 17th January, 1975.

The following members were present: Messrs. Gray (Chairman), Beament, Cartwright, Fennell, H. E. Harris, Pepper, Shepherd, Sopha and Trepanier.

RESIGNATION

Allan Henry Fitch of Winnipeg applies for permission to resign his membership in the Society and submits his Declaration in support.

Approved

APPOINTMENT OF DIRECTOR

George W. Collins-Williams, Q.C., has been selected as the next Director of the Bar Admission Course to commence his duties full-time when the position becomes vacant on the 1st of July, 1975.

The Legal Education Committee recommends that he be appointed as of 1st July, 1975, subject to the approval of the Finance Committee.

Approved

LIAISON WITH LAW FACULTIES

Subject to the approval of the Finance Committee, Convocation has authorized an invitation by the Bar Admission Course to members of the Ontario Law Schools to meet with the appropriate Head of Section and his instructors. The purpose of the meetings would be to discuss the content of the sections in order to achieve a better understanding of what is, and what should be taught at the Bar Admission Course level. The Director prepared estimates of the cost to hold three of the meetings, one in Real Estate, a second in Civil Procedure combining the Sections on Civil Procedure I and Civil Procedure II, and a third in Income Tax. The estimated cost for travelling expenses and hosting luncheons for these three one-day meetings is $1,850, and was approved by the Legal Education Committee, subject to the approval by the Finance Committee.

Approved

READER PRINTER

Authority to purchase Reader Printer 3M 703 was given at the November 1974 meeting. It was then expected that this machine could be adapted to accept 35mm microformat. The firm has since advised that their engineers are unable to do this. Reader Printer 3M 500, Model 275, which accommodates both 16mm and 35mm microformat has been delivered at a cost of $3,927.00 plus Ontario Sales Tax $274.89, total $4,201.89 — an increase of $701.89 over the amount originally budgeted for in 1974-75 of $3,500.00 as quoted by the firm. The equipment is in working order and instructions as to its use have been given. The Committee is asked to approve the expenditure of $701.89 in excess of the budgeted figure. Approval has been given by the Libraries and Reporting Committee, subject to the approval of this Committee.

Approved

BENCHERS ELECTION 1975

1. A submission has been received that students of the Bar Admission Course who will be called to the Bar on March 21, 1975, be eligible to vote at the election of Benchers in April, 1975. If the Committee recommends acceptance of this suggestion, amendments will be required to the Rules which now require finalization of voters' lists on March 5. These Rules can be amended to close the lists on March 24, without disrupting the rest of the election procedures.

Your Committee recommends acceptance of this suggestion and amendment of the rules in accordance with the draft amendments which were before the Committee at the meeting held on January 9, 1974, a copy of which is attached hereto as part of this report.

2. The Committee recommended an opinion be sought as to the right of those called to the Bar in March 1975 to vote in the Benchers Election in 1975 and the opinion received from Mr. John J. Robinette, Q.C., is as follows:

> "In my opinion those students who are called to the Bar on March 21 since they will be members in good standing and not in arrear to the Society for any fee or levy are persons who have the right to vote in the election of Benchers to take place in 1975; in other words after March 21 they will be 'electors' within section 17 of the Act. In my opinion this is their basic right and although that basic right may necessarily have to be in certain situations qualified for practical reasons because of the need to close the voters' list at a time before the actual casting of ballots, there is nothing to prevent the Society amending Rule 9,

which is a purely administrative Rule, in such a way as to give effect to the basic right of those students who will be called to the Bar on March 21 to vote at the election of Benchers."

THE REPORT WAS ADOPTED

APPOINTMENTS TO STANDING COMMITTEES

On motions duly made, seconded and *carried*, the following Benchers were appointed to Standing Committees as shown:

J. J. Carthy: Libraries and Reporting Committee.

Joseph D. Carrier: Admissions; Discipline; Professional Conduct.

Noel Ogilvie: Finance; Discipline; Professional Conduct.

Mrs. Roseanne Sutherland: Admissions; Discipline; Professional Conduct.

Mrs. Reginae M. Tait: Discipline; Professional Conduct; Libraries and Reporting.

APPOINTMENT OF TREASURER'S REPRESENTATIVE AND SCRUTINEERS — BENCHERS ELECTION 1975

It was moved, seconded and *carried* that in accordance with The Law Society Act, 1970 and the Rules, Mr. R. Browning Watt be appointed the Treasurer's representative for the Benchers Election 1975 and that Miss Marie Terese Huxter and Messrs. J. P. Borden and Stephen T. Goudge be appointed the three scrutineers with power to act on any reference under subrule 3 of Rule 9.

There being a considerable amount of work remaining on the agenda, Convocation agreed to adjourn and to resume on Friday, 31st January, 1975, at 10:00 a.m.

CONVOCATION THEN ROSE AT 5:15 P.M.

CONVOCATION RESUMED

Friday, 31st January, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Borins, Bowlby, Carrier, Cass, Evans, Goodman, R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, Krever, Levinter, O'Brien, Ogilvie, Pallett, Pepper, Robins, Rogers, Seagram, Sheard, Shepherd, Sopha, Strauss, Wallace and White, and Mesdames Sutherland and Tait.

APPOINTMENT OF REPRESENTATIVES TO LEGAL EDUCATION COUNCIL

The Treasurer informed Convocation that he had appointed the following to represent the Society on the Legal Education Council: Messrs. Cass, W. G. Gray, Krever, Rogers and Jarvis; and had requested the following, or some one nominated by them, to serve on the Council: Mr. Bernard Shaffer, Chairman, Ontario Branch, Canadian Bar Association; Mr. Alan D. Abelson, President, County of Carleton Law Association; Mr. Morris Perozak, President, Hamilton Law Association; Mr. J. H. McLaughlin, President, County of York Law Association; and Miss Rainey Hunter, President, Women's Law Association.

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented the Report of the Admissions Committee of its meeting on Tuesday, 17th December, 1974.

The following members were present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cartwright, Grange, R. J. Gray, Pepper, Seagram and Sopha.

EXTERNAL EXAMINATION

An English solicitor proceeding under Regulation 5 wrote the comprehensive examinations in August 1974. The results of the examinations were before the Committee.

The Committee recommends that he be advised he may enter the Bar Admission Course.

THE REPORT WAS ADOPTED

Mr. Cass, Chairman presented the Report of the Admissions Committee of its meeting on Thursday, 9th January, 1975.

The following members were present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Sheard, and Shepherd.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Twenty-five candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1974, under Regulation 26(5).

Approved

TRANSFERS FROM JURISDICTIONS OUTSIDE CANADA

The Committee considered seven applications for permission to proceed under Regulation 5. One applicant, a member of the New York Bar, appeared before the Committee with counsel, who made submissions. The applicant is a graduate of Columbia University School of Law and the University of London, England, and practised in the United States until he came to Toronto in 1973, when he joined a law firm as a law clerk and office manager. He had previously been advised that he did not qualify under Regulation 5 as he is neither a Canadian citizen nor a British subject. The Committee recommends that he be advised that he must comply with Regulation 26(5) and should apply to a Canadian approved law school for advanced standing.

The applications of two English solicitors satisfied the requirements of Regulation 5 and were approved by the Committee.

The Committee was not satisfied that the four remaining applicants had satisfied the requirements of Regulation 5 and recommends that they be so advised.

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOL

The following member of an approved law faculty asks to be called to the Bar and admitted as a solicitor without examination under Regulation 9 upon payment of a fee of $200:

Michael John Trebilcock	LL.B. University of Canterbury, N.Z., 1962; LL.M. University of Adelaide, Australia, 1965; admitted as Barrister and solicitor in New Zealand, 1965.

Approved

PETITION

The application of a political refugee in Canada who had not produced the usual documentary evidence of his qualifications was submitted to the External Credentials Sub-Committee for consideration. On the recommendation of this Committee at its June 1974 meeting, the applicant was advised that he did not satisfy the requirements of Regulation 5(1) but that he could appear before the Committee. He appeared before the Committee with counsel, who made submissions.

The Committee recommends the petitioner be advised he may proceed under Regulation 5.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. W. G. Gray

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 23rd January, 1975.

The following members were present: Messrs. Gray (Chairman), Pallett and Shepherd. Also present were the Treasurer and Mr. Borins.

REPORT OF THE SUB-COMMITTEE ON COUNTY LAW ASSOCIATION LIBRARY GRANTS

The report of the Sub-Committee dated January 9th, 1975, was before the Committee.

This matter having been referred to this Committee by Convocation on the 17th of January, 1975, your Committee considered it and concurs in the recommendation of the Libraries and Reporting Committee that the amount of $474,754 as set forth in the report of the Sub-Committee on County Law Association Library Grants be included as a portion of the grant to be sought by the Society from The Law Foundation of Ontario.

Your Committee further recommends that in any submission to the Foundation regard be had to the priority of the recovery of the projected deficit in the operations of the teaching period of the Bar Admission Course over the receipt of money for libraries, the expenditure of which remains in the Society's control.

Mr. O'Brien was not present, took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

Mr. W. G. Gray presented the General Report of the Discipline Committee of its meeting on Thursday, 9th January, 1975.

The following members were present: Mr. F. J. L. Evans (who acted as Chairman) and Messrs. Beament, Borins, Carthy, Cass, Chappell, Common, Finlayson, R. J. Gray, W. G. Gray, Griffiths, H. E. Harris, Krever, O'Brien, Pallett, Pepper, Rogers, Strauss, Trepanier and Wallace.

In the March 1969 Report to Convocation your Committee recommended that a lawyer should not act as counsel to the Discipline Committee, nor should he act as counsel for a solicitor appearing before the Discipline Committee, if he is a partner of, or associated with a Bencher. This recommendation was adopted by Convocation.

The Committee has now reviewed this question and is of the opinion that this restriction should be lifted with respect to who can act for a solicitor. It is felt that members of the profession are entitled to an unfettered choice as to their counsel. A Bencher who is a partner or associate of any such counsel so appearing will not take any part in a matter in which his partner or associate is counsel.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Goodman, Vice-Chairman, presented the Summary of the Compensation Fund for the period ended 31st December, 1974.

COMPENSATION FUND

For the Period 1st July, 1974 to 31st December, 1974

(6 months)

TOTAL RECEIPTS	$ 198,828.17
TOTAL DISBURSEMENTS	$ 57,461.09
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 141,367.08
BALANCE OF FUND 1st July, 1974	$1,313,918.82
BALANCE OF FUND 31st December, 1974	$1,455,285.90

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st December, 1974	$1,936,152.58
TOTAL PAID to 31st December, 1974 from the commencement of the Fund on account of 903 claims of 91 former solicitors	$3,250,670.40

THE SUMMARY WAS RECEIVED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Evans, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 9th January, 1975.

The following members were present: Mr. Arthur Maloney (Chairman) and Messrs. Carthy, Chappell, Evans, Fennell, Griffiths, R. J. Gray, Humphrey, Krever, Pallett, Pepper, Rogers, Strauss and Wallace.

SUB-COMMITTEE ON RULING 9 — EMPLOYMENT OF DISBARRED PERSONS — REPORT

At the September 1974 meeting of the Professional Conduct Committee a sub-committee composed of Mr. E. A. Goodman as Chairman and Messrs. Cartwright, Krever, Maloney and Pallett was appointed to review the provisions of Ruling 9 of the Rules of Professional Conduct.

The present Ruling 9 which came into effect on 21st January, 1972 reads as follows:

> " Ruling 9
>
> DISBARRED PERSONS
>
> Employment by solicitors
>
> No member of The Law Society of Upper Canada shall retain, occupy office space with, use the services of or employ in any capacity having to do with the practice of law any person who in Ontario, or elsewhere, has been disbarred and struck off the Rolls, or has been suspended, or has been involved in disciplinary action and has been permitted to resign as a result thereof, and who has not yet been readmitted."

The sub-committee in its report recommended that the present Ruling 9 be amended by the insertion after the word "shall" in the first line, of the words "without first obtaining permission of the Society".

The Committee amended the sub-committee's report by substituting the words "without the express approval of Convocation".

The Committee recommends the adoption of the sub-committee's report as amended.

RULING 10 — SIGNS AND LETTERHEADS

Several years ago a member of a two man law firm was appointed to the County Court Bench. He terminated his relationship with the firm at the end of that year and shortly thereafter was sworn in as a Judge. Approximately a year later he passed away. The Judge's executor recently wrote to the Society suggesting that the late Judge's name should no longer appear on the firm letterhead. The other member of the original firm has refused to remove the Judge's name and alleges that he purchased at the time of the Judge's appointment the goodwill of the business, the library, the chattel equipment and specifically the then firm name. He alleges that it was agreed that the name would be carried on particularly in view of the fact that there were substantial accounts receivable which he had agreed to collect and remit a percentage of that realized to the Judge. The member contends that he is not in breach of Ruling 10. He states that at the time the Judge was appointed the latter's name was deleted from the letterhead in compliance with the Rule but since the Judge is now deceased paragraph 1(a) of Ruling 10 is no longer applicable.

The Committee instructed the Secretary to advise the remaining member of the firm that

(1) As the rule presently stands it would appear that the use of the Judge's name is not improper.

(2) Your Committee does feel however that the question raised requires further consideration.

(3) A sub-committee has been appointed for this purpose.

(4) The Secretary was specifically instructed to alert him to this appointment.

(5) Any use of the Judge's name following his appointment and prior to his death in the firm name was improper.

The sub-committee is composed of Mr. Fennell as Chairman and Messrs. Carthy and R. J. Gray.

RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

At its September meeting the Committee considered the report of a sub-committee that had been appointed to review paragraph 2 of this Ruling which, prior to that time, had read as follows:

> "No member shall authorize or permit the insertion in the yellow pages of any telephone directory of more than one standard listing in regular type under the heading "Lawyers" for the firm and for each lawyer thereof in the section for each area where the firm maintains an office or branch office. Members who are Patent Agents or Attorneys may have a similar listing under the heading "Patent Attorneys & Agents"."

This review was undertaken because a Metropolitan Toronto lawyer had pointed out that there are seven Yellow Pages telephone books for the Metropolitan area and that a home owner in one of these localities receives only a combined Yellow and White Page book for that particular area. He pointed out that a problem would arise when a lawyer has his office close to the boundary line between two or more of these areas that are served by separate Yellow Page telephone books. As a result the sub-committee recommended that paragraph 3 be amended by adding the following proviso:

> "Provided that, where there are more than one yellow-page directory for different areas of the same urban municipality members may have an insertion for each of those areas as such office or branch office may reasonably be considered serving in a substantial manner."

This recommendation was accepted and the paragraph duly amended.

RULING 32 — DUTY TO MEET FINANCIAL OBLIGATIONS

From time to time the Society receives complaints from people other than those covered specifically in this Ruling, and, in particular, from members of the medical profession. Insofar as the doctors are concerned the complaint is usually with respect to the lawyer's failure to pay an account for an independent medical report which he had ordered or to implement his undertaking to protect a doctor's report. After due consideration the Committee recommends that the present Ruling, which reads as follows:

> "To maintain the honour of the Bar members have a professional duty (quite apart from any legal liability) to meet financial obligations in relation to their practice

> such as debts incurred to Sheriffs, Special Examiners, Registrars of Deeds and other public officials; agency accounts and obligations to members of the profession.
>
> When a member incurs an obligation on behalf of a client which he is not prepared to pay personally he shall make his position clear in writing at the time the obligation is incurred."

be revised to read:

> "To maintain the honour of the Bar members have a professional duty (quite apart from any legal liability) to meet financial obligations incurred, assumed or undertaken on behalf of clients unless before incurring such obligations the lawyer concerned clearly indicates in writing that he, or she, is not prepared to meet the obligation personally."

The purpose of the proposed revision is to make it clear that in appropriate situations, accounts of doctors, engineers, surveyors, etc., will be covered. The Committee further recommends that before Convocation accepts such proposed revision, notice be given to the profession so that the opinion of the members may be obtained.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

—Mr. H. E. Harris

Mr. H. E. Harris, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 9th January, 1975.

The following members were present: Messrs. Maloney (Chairman pro tem), Borins, Rogers, Shepherd and Wallace, and Miss A. R. McCormick.

COUNTY LAW LIBRARIES

PROPOSED INCORPORATION OF WELLINGTON LAW LIBRARY ASSOCIATION

The Committee recommends that the proposed application for incorporation of the Wellington Law Library Association be approved and the Committee specifically noted that paragraph 5.5 of the draft application is in accordance with Section 30 of the Regulation under The Law Society Act.

REPORT OF THE SUB-COMMITTEE ON COUNTY LAW ASSOCIATION LIBRARY GRANTS

The Sub-Committee on County Law Association Grants reported and a discussion followed. The Committee approved the report of the Sub-Committee, which recommends that an application be made to The Law Foundation of Ontario for a grant in the total amount of $474,754 comprised of the following sums:

(a) $238,743 to acquire books necessary to assure that the collections of each County and District Law Library will meet a common basic minimum standard. Hopefully, it will be unnecessary to request a similar grant for the foreseeable future.

(b) $56,597 to provide for the annual maintenance of the additional books over the period of one year. It will be necessary to seek a grant for library maintenance on an annual basis and, because of inflation, it is reasonable to assume that the amount of the grant will increase each year.

(c) $124,164 to provide funds (in addition to those already available) to increase the availability of librarian services to a level recommended by the Chief Librarian. This grant will be requested on an annual basis.

(d) $30,250 to enable certain County and District Law Associations to liquidate outstanding debts incurred in their library operations.

(e) $25,000 as a capital grant for the Great Library.

The Committee approved of the appointment of Mr. N. MacL. Rogers to replace Mr. S. G. M. Grange on this Sub-Committee.

REPORTING

ONTARIO REPORTS — CITATIONS IN REASONS FOR JUDGMENT

Two letters from Mr. Alan Marks of Canada Law Book Limited were received and discussed. The Committee recommends that Mr. N. MacL. Rogers be appointed to replace Mr. S. G. M. Grange as a one man Sub-Committee to meet with Mr. Justice Arnup in regard to the printing of citations in footnotes at the bottom of each page in reasons for judgment in the Ontario Reports.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Strauss, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 9th January, 1975.

The following members were present: Messrs. Strauss (Chairman), Cass, Chappell, Fennell, Trepanier and Zahoruk.

The accounts of counsel retained by the Society were approved for payment.

Several complaints were received by solicitors concerning a plan by the Ministry of Government Services concerning the sale of government employees' homes. The complaint was that the employee could not use the solicitor of their choice. Representations were made to the Deputy Minister of the Ministry of Government Services and the plan was amended to allow employees to choose their own solicitors on the sale of their homes.

A sole proprietorship operated by Hyman Norman Engel carrying on business under the name of Seaway Divorcing Service was prosecuted in Cornwall for unauthorized practice. On December 4, 1974, Provincial Court Judge Fitzpatrick convicted Seaway Divorcing Service and fined it $350 with thirty days to pay. The Committee has been advised that the accused has filed a notice of appeal and the Committee has appointed counsel for the appeal.

Robert A. (Robin) Rodger who carried on business as Divorce Aid Service in Ottawa was convicted and sentenced to twelve months in jail by His Honour Judge Charles Doyle on a charge of counselling a client to perjury in a divorce action.

The Committee considered its counsel's report of his investigation of an immigration consultant. The Committee instructed counsel to prosecute for unauthorized practice.

The Committee received several complaints from solicitors about three non-solicitors in the Campbellford and Peterborough areas who were doing conveyancing work and closing real estate transactions. The Secretary was instructed to retain counsel for an investigation in order to ascertain whether there was any unauthorized practice involved.

A complaint was received from a solicitor concerning a divorce mail service operated in Oakville. He furnished the Committee with the material used. The Committee appointed counsel to investigate to ascertain if there is sufficient evidence for a prosecution.

THE REPORT WAS RECEIVED

LETTER FROM CANADA LAW BOOK — PROPOSED ADVERTISEMENT

The Society received a letter from Canada Law Book Limited, dated 23rd January, 1975, advising that Canada Law Book had been requested to insert an advertisement in the Ontario Reports from 7th February to 17th April, 1975, to read as follows:

"WHY NOT?

(Name of Solicitor) "

It was moved, seconded and *carried* that Canada Law Book be advised that no advertising respecting the Benchers Election should be accepted.

ELECTION OF BENCHERS

Three vacancies have arisen in Convocation because of the appointment of The Honourable Mr. Justice B. J. MacKinnon to the Court of Appeal for Ontario and the appointment of The Honourable Mr. Justice P. deC. Cory and The Honourable Mr. Justice S. G. M. Grange to the High Court of Justice of Ontario. As all three were to be sworn in today, Convocation proceeded to elect qualified candidates to fill the vacancies pursuant to Section 22(2) of The Law Society Act, 1970.

It was moved, seconded and *carried* that William Parke Rogers, Q.C., George William Collins-Williams, Q.C., and Robert Campbell Rutherford, Q.C., all of Toronto, be elected to fill the three vacancies in Convocation.

APPOINTMENT OF REPRESENTATIVE TO THE LAW FOUNDATION OF ONTARIO

The Honourable Mr. W. G. C. Howland who was recently appointed to the Court of Appeal for Ontario and will take his oath of office later today has submitted his resignation as one of the Society's representatives to The Law Foundation of Ontario and it is necessary to appoint a representative in his stead.

It was moved, seconded and *carried* that Mr. A. E. Shepherd be appointed to the Board of The Law Foundation of Ontario to fill the vacancy caused by the resignation of Mr. Howland.

SPECIAL COMMITTEE ON OSGOODE HALL FENCE—Mr. O'Brien

Mr. O'Brien, Chairman, presented the Report of the Special Committee on Osgoode Hall Fence of its meeting on Monday, 9th December, 1974.

The following members were present: Messrs. O'Brien (Chairman), Fennell, Robins and Shepherd.

The Chairman reviewed the recent history of the fence and the discussions which have taken place over at least the last ten years with the City of Toronto respecting the widening of Queen Street. During the whole of this time the Society has foreborne to embark on any renovation of the fence and limited expenditures to repairs which were absolutely necessary from time to time until the City should decide whether Queen Street would be widened in front of Osgoode Hall necessitating the fence being moved some distance northward.

These discussions with the City concluded in 1973. On the

14th day of August, 1973 the then Treasurer, Mr. Robins, wrote to Mr. Reid Scott who was President of the City Council as follows:

> "The Society received a letter from Mr. Gordon Batchelor, the City Clerk, dated the 27th of June enclosing a copy of a recommendation contained in report #24 of the Committee on Public Works as amended and adopted by the City Council at its meeting on the 21st of June of this year. The amendment which was adopted reads:
>
> > 'It is recommended that no action be taken on the widening of Queen Street West between University Avenue and Chestnut Street.'
>
> The Society therefore concludes that the negotiations involving its property are at an end and will accordingly proceed with the repair and renovation of its fence in its present location."

On the 28th of August, 1973 Mr. Reid Scott replied in part:

> "It would appear that the City is not prepared to proceed with the widening of Queen Street and I agree with your conclusion that the Society should proceed with the repairing and renovation of its fence in its present location."

Your Committee is exploring with the Ontario Heritage Foundation whether funds can be made available from that source for the renovation of the fence.

While it is hoped that outside assistance towards the permanent maintenance of the fence will be forthcoming, negotiations will no doubt be lengthy. Meanwhile the Society's Architect, Mr. Arthur Heeney, advises that the segment of the fence facing Civic Square is in most urgent need of repair. Your Committee, therefore, recommends that the Society proceed without further delay with the necessary repairs to that part of the fence subject to the approval of the Finance Committee and at a cost not to exceed the amount provided in the budget approved by Convocation on the 21st of June, 1974.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Mr. Sheard, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 9th January, 1975.

The following members were present: Messrs. Sheard (Chairman), Carthy, Cass, Pepper and Shepherd.

APPLICATIONS

One application was before the Committee and it is recommended that a grant be made.

STUDENT APPLICATIONS

Applications for grants were received from nine students. The Committee recommends that five payments be made.

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

CONVOCATION RESUMED AT 2:00 P.M., A QUORUM BEING PRESENT

ERRORS AND OMISSIONS INSURANCE PLAN — GUARDIAN INSURANCE COMPANY OF CANADA — APPOINTMENT OF MEMBERS OF CLAIMS COMMITTEE

One of the terms of the agreement made on 25th June, 1972, between the Society and The Guardian Insurance Company of Canada respecting the Society's Errors and Omissions Insurance Plan while it was underwritten by Guardian requires the parties to nominate two members each to the Claims Committee to review all claims paid by Guardian and reserves for claims outstanding, the nominations to be made not later than the 31st of January, 1975. The Treasurer appointed Messrs. O'Brien and Griffiths to be the Society's members of the Claims Committee.

SPECIAL COMMITTEE ON THE REPORT OF THE ONTARIO LAW REFORM COMMISSION ON THE SOLICITORS ACT — Mr. Beament

Mr. Beament, Chairman, presented the Report of the Special Committee on the Report of the Ontario Law Reform Commission on The Solicitors Act and the draft Solicitors' Fees Act.

Convocation considered the Report of the Special Committee clause by clause and suggested amendments which were adopted.

The Committee met on Monday, 18th November, 1974, there being present the Chairman and Messrs. Carthy and Strauss.

Attached to the Committee's Report was Schedule "A" which set out the Committee's recommendations. With respect to these recommendations, the Committee made the following comments:

Recommendation I

In the definition of "solicitor" the Committee felt that the phrase "authorized to practise law" was too vague, and that the wording proposed by it was preferable.

Recommendation II

DELETED

Recommendations III and IV

The Committee was of the view that on a review of a solicitor's bill the function of the review officer was not merely to determine whether the sum claimed is fair and proper, but rather to determine the amount which is fair and proper.

Recommendation V

In the context of the proposed subsection 7(1) the word "thereon" is ambiguous. Grammatically it refers to "reference" whereas to provide the meaning which the Committee believes was intended the word "thereon" should be replaced by "on the bill".

Recommendation VI

Section 23 of the proposed Act provides for the abolition of the solicitor's common law retaining lien. The Law Reform Commission is of the view that this is necessary to ensure that the orderly progress of litigation is not impeded on a change of solicitors. While the Committee recognizes the desirability of this result, it feels that there is another way of approaching the situation whereby the interests of the client and the solicitor are more evenly balanced without impeding the progress of litigation. In this connection it should also be realized that the solicitor's retaining lien also has application to non-litigious matters. The Committee's recommendation reflects these views.

Recommendation VII

Section 11 of the proposed Act removes the twelve-month limitation period during which a client who has paid his solicitor's bill may apply to have it reviewed, with the result that the limitation period becomes six years from the date of payment. The Committee is of the opinion that this would be unfair to the solicitor. The rendering of an account brings the fee into income account for income tax purposes. If a client is able to have an account reviewed more than five years after he has paid it, there could be serious injustice to the solicitor, particularly where the solicitor is a member of a partnership which in the interim has undergone changes through death or retirement.

Recommendation VIII

The Committee's recommendation with respect to the proposed Section 24 is prompted by the view that the Section should also apply to *inter vivos* trusts.

Recommendation IX

The Committee is of the view that the substance of Section 14 of the present Solicitors' Act should be retained since procedural rules may be found necessary for the smooth working of the proposed Solicitors' Fees Act.

Recommendation X

With respect to Section 15 of the present Solicitors' Act which it is proposed by the Law Reform Commission should be abolished, the Committee is of the view, in the light of the proposed amendment to the Combines Act, that the Solicitors' Fees Act should empower the Rules Committee, subject to the approval of the Lieutenant Governor in Council, to prescribe tariffs of fees for solicitors with respect to conveyancing and other business.

Recommendations XI and XII

Sections 26 and 27 of the proposed Act provide a statutory rate of interest of 7.5% per annum. In view of the wide fluctuations which have occurred in interest rates in recent years, the Committee is of the view that the Lieutenant Governor in Council should be empowered to fix such rates from time to time by regulation without the necessity of amending the Act. The Committee's proposals reflect this view. In this connection it is to be noted that there are examples in Ontario of this approach in other Acts, e.g., Section 17 of The Succession Duty Act, R.S.O., 1970, Chapter 449.

Mr. W. G. Gray was not present, took no part in the discussion and did not vote.

THE REPORT AS AMENDED WAS ADOPTED

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE—Mr. Griffiths

Mr. Griffiths, Chairman, presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on Thursday, 28th November, 1974, with representatives of F. C. Maltman & Co. Ltd., the Society's Adjuster.

PARTNERSHIP — FAILURE TO GIVE NOTICE

The Committee was asked to consider the following question which has been raised under the wording of the Society's policy with Lloyd's. Assuming Partner A knows he has been negligent but neither gives notice to the Adjuster nor tells his Partner B, the question is whether Partner B retains the benefits of the contract or whether he is bound by A's failure to give proper notice notwithstanding he did not know it.

This matter was considered to be of such importance that it should be discussed without delay with J. H. Minet & Co. Ltd., the Society's Insurer.

FAILURE TO PAY DEDUCTIBLE

There have been several instances where members have been liable to pay some or all of the deductible amount but have neglected or refused to do so and thus have seriously delayed settlement and inconvenienced a member of the public. The Committee was asked to consider what steps should be taken to require members to honour their obligations to pay the deductible amount for which they are liable. Three specific matters were considered and instructions given.

REPEATERS

The Committee was asked to consider what policy is to be adopted with respect to members who are repeatedly negligent. The Secretary may interview members who have been repeatedly negligent to warn them of the risk of a Notice of Complaint being issued against them.

REDUCED DEDUCTIBLES

Minet's are offering to the profession reduced deductibles below the $5,000 retention of the Society's compulsory policy; they are prepared to go as low as $500. The Committee was asked to consider whether such a low deductible is desirable or whether it should be discouraged.

TECHNICAL DEFENCES

The Adjuster has followed a practice of complaining to the Superintendent of Insurance when insurance companies have used technical defences to deny liability. Some success in obtaining the intervention of the Superintendent was reported.

MEMBERS PRACTISING IN MORE THAN ONE PROVINCE

Some members are also members of the Bars of other provinces and carry on practice in two or more provinces having compulsory errors and omissions insurance schemes. The Committee was asked to consider whether such members must be covered in Ontario if they are covered already in another province.

Practising members in Ontario must be covered by the Ontario policy, both because of the Society's contractual obligation to the Insurer that all who engage in private practice in the Province are covered and because the Society must retain disciplinary control.

LOSS PREVENTION MANUAL

The Australian Loss Prevention Manual was before the Committee for its consideration and the Committee was asked to consider whether such a manual should be produced for distribution in Ontario.

The Secretary will explore the cost of producing such a manual appropriate to Ontario and the Committee may then recommend to Convocation that the manual be produced and circulated and the cost of it borne as a cost of administering the Society's Errors and Omissions Insurance Plan.

PATENT AGENTS

The Committee was asked to consider whether members who are Patent Agents are covered by the Society's policy in respect of their work as Patent Agents.

Members who are Patent Agents are covered by the Society's policy unless an exclusion is written into it.

THE REPORT WAS ADOPTED

CONVOCATION ROSE AT 3:10 P.M.

Read in Convocation and confirmed 21st February, 1975.

STUART THOM

Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 21st February, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Borins, Bowlby, Carley, Carrier, Carthy, Cartwright, Collins-Williams, Common, Cooper, Evans, Fennell, R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Humphrey, Lochead, Maloney, O'Brien, Ogilvie, Pallett, Robins, N. MacL. Rogers, W. P. Rogers, Rutherford, Seagram, Sheard, Shepherd, Sopha and Strauss, Mesdames Sutherland and Tait, and Messrs. Wallace and Wilson.

MINUTES

The Minutes of Convocation of 17th and 31st January, 1975 were read and confirmed.

ELECTION OF BENCHER

A vacancy has been caused in Convocation by the appointment of P. S. FitzGerald as Judge of the District Court of the District of Rainy River. Judge FitzGerald assumed his judicial office on 14th February, 1975.

It was moved by Mr. Evans, seconded by Mr. Shepherd, that Lester Stuart Willoughby of Kingston be elected a Bencher to fill the vacancy in Convocation.

NEW BENCHERS

Four new Benchers attended Convocation for the first time. Messrs. Collins-Williams, W. P. Rogers, Rutherford and Willoughby were welcomed by the Treasurer.

Special Committee on Voting Procedures In Convocation—Mr. Robins

Mr. Lochead presented the Report of the Special Committee on Voting Procedures in Convocation. This Report was before Convocation in November 1974, at which time it was referred back to the Special Committee. The Report is as follows:

Your Committee met on Wednesday, the 6th day of November, 1974 at 2:00 p.m., the following members being present: Mr. Robins, Chairman, and Messrs. Howland and Lochead.

Your Committee was asked to consider whether the Treasurer has a right to vote in Convocation, whether there are any restrictions on the exercise of that right and whether he has a second casting vote.

Your Committee is of the opinion that a Treasurer has the right to vote in Convocation but that he should only exercise that right in order to break a tie.

The reasons for your Committee's opinion are as follows:

Section 10 of The Law Society Act, 1970 provides that the Benchers shall govern the affairs of the Society.

Sections 11, 12 and 13 deal with the diminished rights of certain members of Convocation and Section 14 prescribes that every member who has been or is elected to the office of Treasurer is an ex officio Bencher with all the rights and privileges of an elected Bencher. From this it follows that the Treasurer retains the right to vote subject to the provisions of Subsection 2 of that Section which takes away his right to vote when he attains the age of 75 years.

Rule 23 of the Rules passed under The Law Society Act provides that "The procedure in Convocation shall be in accordance with the rules as far as may be, failing which shall follow parliamentary practice in the Legislative Assembly of Ontario." There is no specific provision in the Rules relating to the exercise of his right to vote by a Treasurer.

Section 11 of the Standing Orders of the Legislative Assembly of Ontario provides that in case of a tie the Speaker gives a casting vote. In your Committee's opinion this procedure applies to the conduct of Convocation notwithstanding that in many other respects the office of Treasurer differs from that of Speaker of the Legislature.

Your Committee considered whether any specific rule should be made to provide a different procedure in Convocation. Your Committee is of the view that if the Treasurer were to vote upon each issue whether or not there was a tie it would involve the Chair in controversy and that this would be undesirable so your Committee recommends that no change be made in the present voting procedure.

Your Committee was also asked to consider whether different procedures should be adopted in respect of voting in discipline matters and particularly whether it would be desirable that a two-thirds' majority be needed to pass a motion with respect to penalty in discipline matters.

Section 24 of The Law Society Act provides that ten Benchers present and entitled to vote in Convocation constitute a quorum for the transaction of business, but that no disciplinary matter shall be dealt with in Convocation unless fifteen or more Benchers are present and entitled to vote. In your Committee's opinion no special voting procedure should be adopted in respect of discipline matters. Many important and consequential matters are decided by majority vote and this is the case not only in Convocation but in other tribunals. To provide that a two-thirds' majority would be necessary to impose a penalty in disciplinary matters would, in your Committee's view, work against the maintenance of the high standards of the profession.

THE REPORT WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Carthy presented the report of the Legal Education Committee.

The Committee met on Thursday, 13th February, 1975, the following members being present: Mr. H. Krever, Vice-Chairman in the Chair, and Messrs. Borins, Carthy, Cass, Griffiths, Henderson, N. MacL. Rogers and Sheard.

Election of Chairman and Vice-Chairman

It was moved by Mr. Henderson, seconded by Mr. Rogers, that Mr. Horace Krever be Chairman and Mr. G. D. Finlayson Vice-Chairman of this Committee.

Carried

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments

It is recommended that the following faculty appointments be made for the current teaching term:

(a) John D. Honsberger to continue as Head of the Creditors' Rights and Bankruptcy Section.

(b) Robert J. Carter to continue as Head of the Criminal Procedure Section.

(c) It is with regret that we advise of the resignation of Mr. Norman MacL. Rogers as Head of the Law Office Organization and Procedure Section. Mr. Rogers has ably served in this capacity for the past three years, but further duties which he has assumed in the field of legal education and others, prevent him from continuing with the responsibilities involved in this Section. Mr. Albert A. Strauss has given most helpful assistance in organizing the Section's activity and Mr. Rogers recommends that he be appointed his successor. We are pleased to support this recommendation and respectfully request that the appointment be made.

Approved

London Bar Admission Course Liaison Committee

Interested lawyers of the Middlesex Law Association have selected Messrs. Albert E. Shepherd, M. T. J. Morrissey and William A. Jenkins to work with the Toronto administration in organizing the London Bar Admission Course scheduled to open in September 1976. We respectfully request that these representatives be appointed as the London Bar Admission Course Committee.

Approved

Revised Estimates for Continuing Education

The revised estimates for the Department of Continuing Education summarize actual revenues and expenditures for the first six months of the current fiscal year and give revised projections for the final six months ending 30th June, 1975. The first half of the year resulted in a deficit after deduction of overhead, but the remainder of the year will produce a surplus estimated at approximately $84,000 as compared to the estimate of $70,000 submitted last June.

Noted

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Seagram presented the Report of the Admissions Committee respecting Regulation 9.

The Committee met on Tuesday, 17th December, 1974, the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cartwright, Grange, R. J. S. Gray, Pepper, Seagram and Sopha.

The Committee met to consider the Report of a Sub-Committee consisting of Mr. Finlayson as Chairman and Messrs. Borins, Krever and Pattillo, appointed in October, 1972 to review the terms of Regulation 9, which reads:

> "Admission of Law Teachers
>
> 9. (1) The dean of a law school in Ontario that is approved by Convocation, upon application after he has entered upon the second consecutive year in that position, may, in the discretion of Convocation, be called to the bar and admitted as a solicitor without examination.
>
> (2) A full-time member of the faculty of a law school in Ontario that is approved by Convocation, upon application after he has entered upon the third consecutive year in that position, may, in the discretion of Convocation, be called to the bar and admitted as a solicitor without examination."

The Sub-Committee reported to the Committee recommending the repeal of Regulation 9. There was also a minority report made to the Committee favouring retention of the Regulation. At its November meeting, Convocation approved the recommendation of the Committee that a special meeting of the Committee be held when anyone wishing to speak to the matter could be heard. Notification was given in the Communiqué and a number of written submissions were filed. These submissions were before the Committee and several oral submissions were heard by the Committee.

After considerable discussion the Committee recommended that Regulation 9 be continued.

THE REPORT WAS ADOPTED

Mr. Seagram presented the General Report of the Admissions Committee.

The Committee met on Thursday, 13th February, 1975, the following members being present: Mr. R. W. Cass, Chairman, Messrs. Beament, Borins, Krever, Seagram, Sheard and Shepherd, and Mrs. Sutherland.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Eight candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course, as of 1st September, 1974.

Approved

DIRECT TRANSFER

The Committee considered two applications for direct transfer to practice in Ontario, one from a Manitoba solicitor and the other from an Alberta solicitor. Both applicants sought permission to proceed under Regulation 4(1) and both satisfied the requirements of the Regulation. The Committee recommended that both applications be approved.

Approved

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOL

The following member of an approved law faculty asked to be called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200:

Ernest Joseph Weinrib	B.A., University of Toronto, 1965; Ph.D., Harvard, 1968; LL.B., University of Toronto, 1972.

Approved subject to receipt of confirmation of his eligibility from the Dean of the University of Toronto.

RULING 35, PROFESSIONAL CONDUCT HANDBOOK

Convocation referred to the Committee a letter from The Hon. Leo A. Landreville, Q.C., formerly a judge of the Supreme Court of Ontario, asking to be exempted from the prohibition of Ruling 35 of the Professional Conduct Rulings which reads as follows:

> "RETIRED JUDGES RETURNING TO PRACTICE
>
> Without the express approval of Convocation, no Judge of the Supreme Court of Canada, the Exchequer Court of Canada, the Supreme Court of Ontario or of a County or District Court who hereafter retires or resigns and returns to practice, shall appear as counsel or advocate in any court or in chambers or before any administrative board or tribunal."

The applicant practises in Ottawa.

The Committee recommends he be advised that the Committee will be pleased to consider his written representations.

THE REPORT WAS ADOPTED

MOTION — SPECIAL COMMITTEE RE PROCEDURES TO BE FOLLOWED UNDER SECTION 35 OF THE LAW SOCIETY ACT, 1970

It was moved, seconded and *carried* that the porcedures to be followed under Section 35 of The Law Society Act be referred to a Special Committee to be appointed by the Treasurer.

FINANCE COMMITTEE—Mr. W. G. Gray

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee.

The Committee met on Thursday, 13th February, 1975, the following members being present: Messrs. Shepherd (in the Chair), Beament, Cartwright, Fennell, Henderson, Ogilvie, Pallett, Sheard and R. F. Wilson.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Alan James Baker, Q.C., London	Called — 14th September 1951. Appointed Provincial Judge, Criminal Division, County of Middlesex — 8th January 1975.
Walter Theodore Stayshyn, Hamilton	Called — 19th April 1963. Appointed County Court Judge, Judicial District of Hamilton-Wentworth — 30th January 1975.
Edward James Houston, Q.C., Ottawa	Called — 29th June 1950. Appointed County Court Judge, Judicial District of York — 30th January, 1975.
Roger Allan Gordon, Q.C., St. Catharines	Called — 24th June 1954. Appointed Provincial Judge, Criminal Division, County of Brant — 8th January 1975.
William Goldwin Carrington Howland, Q.C., Toronto	Called — 15th June 1939. Appointed Judge, S.C.O., Court of Appeal — 16th January 1975.

Deaths

The following members have died:

Harold Menzie Jackson, Simcoe (Life Member)	Called — 20th May 1920 Deceased — 2nd December 1974

Donald Sutherland Stephens, Q.C., Hamilton	Called — 16th June 1932 Deceased — 7th January 1975
Allan Collingwood Travers Lewis, Q.C., Ottawa (Life Member)	Called — 16th September 1910 Deceased — 25th September 1974
Patrick Joseph Curran, Oakville	Called — 13th April 1962 Deceased — 20th January 1975
Thomas Mary Joseph Galligan, Q.C., Pembroke (former County Court Judge, Renfrew County) (Life Member)	Called — 16th September 1915 Deceased — 20th January 1975
Charles Tyrrell Sutherland, London	Called — 15th September 1938 Deceased — 24th January 1975
Hedley Ken Thompson, Q.C., Toronto (Life Member)	Called — 14th September 1922 Deceased — 23rd January 1975
James Joseph Matthews, Toronto	Called — 18th June 1936 Deceased — 8th August 1974
Thomas Haldane Wickett, Q.C., Toronto (Life Member)	Called — 8th February 1922 Deceased — 16th January 1975
Alexander Campbell Thompson, Q.C., Toronto	Called — 20th June 1929 Deceased — 6th February 1975

Noted

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

The following members, who are sixty-five years of age or over and fully retired from the practice of law and other employment, request consideration of their applications to continue their membership in the Society at a reduced annual fee of $25.00:

Henry Augustus Coon, Q.C., Toronto

John Darius Williams Cumberland, Q.C., Mississauga

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their Annual Returns for 1974. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the

Rules in 1974 and 1975 and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

OSGOODE HALL FENCE

A letter from the Society's Architect, Mr. Arthur Heeney, was before the Committee. He requested permission to dismantle one section of the fence to assist him in obtaining accurate estimates of the cost of repairs.

Approved

STUDENT FEES

Correspondence was received regarding Admission and Call Fees, with particular reference to non-deductibility for income tax purposes.

This matter was reviewed by the Committee on 14th October, 1974, and it was recommended that no change be made. A further review has been requested.

It is recommended that the matter be referred to a subcommittee to be appointed by the Chairman and Vice-Chairman.

Approved

MEMORIAL — SIR JOHN BEVERLEY ROBINSON

Lady Robinson requested permission for the installation of a memorial to Sir John Beverley Robinson. Recommended wording for the memorial was before the Committee.

The Committee recommended that Convocation be asked to establish policy respecting the erection of such memorials in the Society's premises.

It was agreed that the Treasurer will appoint a Special Committee to make recommendations respecting memorials.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

Mr. Lochead, Chairman, presented the General Report of the Discipline Committee.

GENERAL REPORT

The Committee met 12th February, 1975, the following members being present: Mr. G. H. Lochead (Chairman), and Messrs. Cartwright, Carthy, Common, Cooper, Goodman, Gray, R. J., Gray, W. G., Griffiths, O'Brien, Strauss, Mrs. Sutherland and Mrs. Tait.

1. COMPENSATION FUND

The Committee has requested the Secretary to arrange for Mr. Robert L. Anderson, C.A., the Society's Chief Investigative Officer, to attend its General Meeting in March to give his views as to how recent defalcations have arisen and in this connection suggestions that he may have to tighten up the Society's procedures.

2. SECTION 18(1) OF THE REGULATION MADE PURSUANT TO THE LAW SOCIETY ACT, 1970, AS AMENDED

The question has been raised whether trust monies can be

a) deposited outside of the Province of Ontario but within the boundaries of Canada;

b) deposited outside the boundaries of Canada.

A sub-committee has been appointed by the Chairman to consider and report back.

3. SUB-COMMITTEE REPORT ON DISCIPLINE PROCEDURES

"Your Sub-Committee met on Friday, the 29th day of November, 1974, the following members being present: Mr. O'Brien, Chairman, and Messrs. Beament, Cory, Griffiths, Lochead and Thom (Treasurer).

Your Sub-Committee has given considerable thought to the two suggestions which were outlined in the Report of the 19th of September, 1973. The first of those suggestions was that legislation be sought to enable the Discipline Committee, sitting in groups of no fewer than five, to conduct an inquiry, reach a conclusion and impose a penalty subject to an appeal to the Court. Convocation's role would be confined to directing the Committee in matters of principle and procedure and to carrying out the penalty of reprimand in Convocation where that is ordered by the Committee.

The Sub-Committee had before it draft amendments to The Law Society Act, 1970 which would give effect to this suggestion.

Your Sub-Committee also gave careful consideration to the suggestion that the best features of the present procedures should be retained and the necessary amendments to the Regulation be sought to overcome some of the difficulties inherent in the present procedures. In the result your Sub-Committee recommends that this latter course be pursued and that the Regulation be changed to spell out in greater detail the powers of the Committee including in particular the duty to make specific findings of fact upon the evidence and the power to recommend a penalty. Such findings of fact would relate not only to whether or not the Complaint had been established, but as to specific facts concerning which there was a conflict in the evidence. Convocation then would have no power to review the findings of fact made by the Committee and would hear arguments only relating to jurisdiction, points of law and penalty. The accused member, or his counsel, would be required to deliver at least two weeks before Convocation Day a memorandum setting forth submissions with respect to the points intended to be argued. Counsel for the Society would be required to reply at least one week before Convocation Day. At the hearing before Convocation counsel would normally be limited to the points raised in the memorandum filed. It is suggested that generally speaking it would not be necessary to have a transcript of the evidence given before the Committee, but that in those rare instances when it was required it would be provided.

In addition your Sub-Committee suggests that provision be made for the Discipline Committee to state a case to Convocation. (see p. lv.)

Your Sub-Committee suggests that with respect to the question whether members of the Discipline Committee who sat on a particular matter should take part in Convocation the Treasurer (pending the outcome of the proceedings in *re French* now before the Courts) should ask the Solicitor in each instance whether he wishes the members of the Committee to remain in Convocation or not and generally speaking would abide by his decision. It is recommended that this procedure be adopted forthwith.

All of which is respectfully submitted.

Dated this 29th day of November, 1974.

Brendan O'Brien
Chairman"

After due consideration the Committee amended the foregoing report by deleting the following sentence therefrom:

> "In addition your Sub-Committee suggests that provision be made for the Discipline Committee to state a case to Convocation."

There was also discussion as to whether there should be a complete prohibition of any right of Convocation to consider a committee's findings of fact, in the result of which discussion no change in the report was made.

The Committee recommends adoption of the report as amended.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Lochead, Chairman, presented the Summary of the Compensation Fund for the Period ended 31st January, 1975.

COMPENSATION FUND

For the Period 1st July, 1974 to 31st January, 1975
(7 months)

TOTAL RECEIPTS	$ 215,749.41
TOTAL DISBURSEMENTS	$ 63,626.34
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 152,123.07
BALANCE OF FUND 1st July, 1974	$1,313,918.82
BALANCE OF FUND 31st January, 1975	$1,466,041.89

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st January, 1975	$2,095,448.58
TOTAL PAID to 31st January, 1975 from the commencement of the Fund on account of 903 claims of 91 former solicitors	$3,250,670.40

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. Bowlby, Chairman, presented the Report of the Legal Aid Committee.

The Committee met on Thursday, 20th February, 1975, the following members being present, John D. Bowlby, Chairman, and Messrs. Chadwick, Fairbairn, Ferrier, C. R. Harris, A. W. Maloney and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of January 1975.

CONTROLLER'S REPORT

The Controller submitted a statistical report for the month of January 1975.

Write-offs

The Controller submitted a schedule of accounts to be written off. These write-offs total $5,647.93.

LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of January 1975.

Appointment of Sub-Committee

The Committee approved the appointment of a sub-committee to assist the Legal Accounts Officer, when necessary, in exercising discretion under Note A of the Legal Aid Regulation, to consist of the following members: Messrs. Austin Cooper, D. G. Humphrey, A. E. M. Maloney and James B. Chadwick.

Parkdale Community Legal Services

The Chairman received a telephone call from the Deputy Attorney General enquiring whether some of the interest from solicitors' trust accounts could be appropriated to Parkdale Community Legal Services. Parkdale Community Legal Services had applied to the Law Foundation for a grant of $20,000 per month on an annual basis. The request for money was necessitated since the Federal Government has terminated funding for all community service projects as of 1st April, 1975.

The funds which will be available to Legal Aid from the Law Foundation as of 1st April, 1975, total $1.825 million. The Government has allocated as part of the Legal Aid Budget for the fiscal year 1975-76 a sum total of $1.521 million.

There is therefore a surplus of approximately $300,000 which could be made available to Community projects such as Parkdale Community Legal Services and others such as Victoria Park Project in Hamilton.

The Chairman was advised that the Trustees of the Law Foundation have indicated that any distribution of these surplus funds to Legal Aid projects should be done through the Legal Aid Committee.

Therefore the Chairman forwarded a letter to the Deputy Attorney General requesting that Parkdale Community Legal Services apply to the Committee indicating their need for funding. The Legal Aid Committee will then consider the application in conjunction with any other applications from Legal Aid service projects for assistance.

Legal Aid Committee

The Committee unanimously approved that Mr. E. A. Cherniak, London, Ontario, be appointed a non-bencher member of the Legal Aid Committee.

Request for Extension of Certificates Over 125

G. B. Clements, Solicitor, Windsor, applied for an increase in excess of 125 certificates for the fiscal year April 1, 1974 to

March, 1975. Mr. Clements appeared before the Committee. The Committee recommends that the Solicitor be permitted an increase to 200 certificates.

Saul Nosanchuk, Solicitor, Windsor, applied for an increase in excess of 125 certificates for the fiscal year April 1, 1974 to March 1975. The Committee recommends that the solicitor be permitted an increase to 200 certificates.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that The Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends that the following be appointed as members of the respective Area Committees:

Elgin County

James Dustin, Restaurateur, St. Thomas

Halton County

Harry Greenwood, Probation Officer, Georgetown
David F. Thompson, Solicitor, Georgetown
J. R. Belleghem, Solicitor, Georgetown

Peterborough County

Ray Taillon, Solicitor, Peterborough
Mrs. Gillian Sandeman, Probation Officer,
 Ministry of Correctional Services, Peterborough

Wentworth County

David Smye, Solicitor, Hamilton
Terry Winchie, Solicitor, Hamilton
Patricia Wallace, Solicitor, Hamilton
Superintendent James Patterson,
 Hamilton Police Department, Hamilton
Nick Borkovich, Hamilton

York County

Alex Chumak, Probation Officer,
 Ministry of Correctional Services, Toronto

RESIGNATIONS:

Cochrane District

J. H. Caldbick, Solicitor, Timmins

Peterborough County
Major R. A. Hammond, Salvation Army

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Maloney, Chairman, presented the Report of the Professional Conduct Committee.

The Committee met on 13th February, 1975, the following members being present: Mr. S. E. Fennell (acted as Chairman) and Messrs. Cartwright, R. J. S. Gray, Griffiths, Krever, Ogilvie, Pallett, Rogers, Seagram and Strauss, and Mrs. Sutherland.

DUTY OWED TO A CLIENT IN CASES OF ERROR OR OMISSION

The Committee gave consideration to the duty owed to a client in cases of error or omission.

As directed by Convocation some time ago, on the recommendation of the Committee a notice was published in the Ontario Reports with respect to the duty owed to a client in cases of error or omission. The publication date was July 19th, 1974. There has been no reaction from the profession. Accordingly, the Committee approved the content of the aforementioned notice and recommends that the following be published as a Notice to the Profession:

> “PROFESSIONAL CONDUCT COMMITTEE
> DUTY OWED TO A CLIENT IN CASES OF
> ERROR OR OMISSION
>
> Complete candor and honesty must always be paramount in the relationship of a solicitor to his client.
>
> The introduction of compulsory insurance imposes additional obligations upon a solicitor. However, such obligations must not impair the relationship and duties of a solicitor to his client.
>
> Section 12(*b*) of the policy of errors and omissions provides as follows:

'ASSUMPTION OF LIABILITY — The Insured shall not assume any liability, settle any claim or incur any expense, except at the Insured's own cost, or interfere in any negotiation for settlement or legal proceedings without the consent of the Insurer previously given in writing.'

The Insurer's rights must be preserved. There may well be occasions when a solicitor may believe that his actions or failure to take action have made him liable for damages to his client when in reality no such liability exists. Further in every case a careful assessment will have to be made of the client's damages arising from the solicitor's negligence. Many factors will have to be taken into account in assessing the client's claim and damages.

As soon as a solicitor is aware that an error or omission has occurred, which may make him liable to his client for professional negligence, he should take the following steps:

1. he should immediately arrange an interview with his client and advise the client forthwith that an error or omission may have occurred that may form the basis of a claim by the client against him;
2. the solicitor should advise the client to obtain an opinion from another independant solicitor and that in the circumstances he might no longer be able to act for him;
3. concurrently, the solicitor should advise Messrs. Maltman & Co., the adjusters for the Society of the facts of the situation;
4. the solicitor must bear in mind that in order to fulfill his duties to his client, the insurer and to his profession, he must co-operate to the fullest extent and as expeditiously as possible with the Society's adjusters in the investigation and eventual settlement of the claim.
5. Upon settlement of the client's claim the solicitor must make arrangements to pay that portion of the client's claim that is not covered by the insurance, forthwith upon completion of the settlement."

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE —

Mr. H. E. Harris

Mr. H. E. Harris, Chairman, presented the Report of the Libraries and Reporting Committee.

The Committee met on Thursday, 13th February, 1975, the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Borins, Carley and Rogers, and Miss A. R. McCormick.

GREAT LIBRARY

FINANCIAL REPORT

The financial report for the period ending 31st January, 1975, was approved.

DONATIONS

The Hon. Mr. Justice John W. Morden, The High Court of Justice, Supreme Court of Ontario, Osgoode Hall, Toronto, donated 49 volumes comprising 43 texts; 1 government document; and 5 volumes of statutes.

MISSING TEXT BOOKS

During the year 1974, four text books were taken from the Great Library without permission and have not been returned. Also in 1974, four text books previously taken were returned. A list of the text books taken in 1974 will be advertised in the Ontario Reports as soon as possible.

AMERICAN ASSOCIATION OF LAW LIBRARIES, ANNUAL CONVENTION June 22-25, 1975

The Committee approved permission to be granted to the Chief Librarian and one Assistant Librarian to attend the the American Association of Law Libraries Annual Convention in Los Angeles, California, June 22-25, 1975.

CANADIAN ASSOCIATION OF LAW LIBRARIES, ANNUAL CONVENTION May 15-18, 1975

The Chief Librarian reported that arrangements had been made to hold the Annual Convention of the Canadian Association of Law Libraries at Osgoode Hall, May 15-18, 1975. The

Committee approved an expenditure of approximately $200 for this Convention.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for 1974. The amounts of the grants which they should receive under the Rule in 1974 and 1975 are as follows:

	1974	*1975*
Bruce	$1,285.00	$1,460.00
Lincoln	2,000.00	2,000.00
Nipissing	1,290.00	1,325.00
Welland	2,000.00	2,000.00

Approved, subject to the approval of the Finance Committee.

REPORT OF SUB-COMMITTEE ON GRANTS

The Report of the Sub-Committee on Grants to County and District Law Associations which was approved by the Finance Committee and by Convocation has been forwarded to the Trustees of The Law Foundation of Ontario.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Strauss, Chairman, presented the Report of the Unauthorized Practice Committee.

The Committee met on Thursday, 13th February, 1975, the following members being present: Messrs. Strauss (Chairman), Fennell (Vice-Chairman), Cass, Cartwright, Cooper, Henderson and Pallett.

The accounts of counsel retained by the Society were approved for payment.

The Committee was advised that on the advice of counsel a prosecution was launched against an immigration consultant.

The Committee considered letters which had been received concerning two divorce service companies. The Committee decided to retain counsel to seek injunctions under Section 50, subsection 3 of The Law Society Act, enjoining these companies from carrying on their unauthorized practice in divorce cases.

The Committee also decided to retain counsel to prosecute a divorce service company in Kingston for unauthorized practice.

The Committee instructed the Secretary to retain counsel to prosecute two individuals in the Campbellford area who it appears have been carrying on conveyancing in a manner which breached The Law Society Act.

The Secretary was instructed to write a realty company to bring to its attention that letters of the company hold out the possibility of breaching The Law Society Act.

The Committee considered a letter from a Sudbury solicitor concerning a divorce service which appears to be the same as a divorce service which the Committee is investigating. The Secretary was instructed to investigate.

THE REPORT WAS RECEIVED

APPOINTMENTS TO STANDING COMMITTEES

On motions duly moved, seconded and carried, the following appointments were made to Standing Committees:

Admissions Committee: Mr. Krever.

Legal Education Committee: Messrs. Collins-Williams and Willoughby.

Discipline Committee: Messrs. Collins-Williams, W. P. Rogers, Rutherford and Willoughby.

Professional Conduct Committee: Mr. W. P. Rogers.

Legal Aid Committee: Mr. Rutherford.

HONORARY DEGREE

It was moved, seconded and carried that the degree of Doctor of Laws honoris causa be conferred upon The Honourable Emmett Matthew Hall, C.C., Q.C., at the Call to the Bar Ceremony on 21st March, 1975.

CONVOCATION ROSE AT 12:30 P.M.

Read in Convocation and confirmed 20th March, 1975.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

(ABRIDGED)

Wednesday, 5th March, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Carthy, Common, R. J. S. Gray, W. G. Gray, Krever, Pallett, Pepper, W. P. Rogers, Rutherford, Sheard and Strauss.

BENCHERS ELECTION

Convocation approved of the Secretary notifying the members by newspaper advertisements to confirm by telephone that nomination papers have been received at the Secretary's Office, and to be sure that all nominations are received at Osgoode Hall not later than 17th March, 1975.

It was moved, seconded and *carried* that the Secretary be asked to propose a method of holding the election of Benchers without reliance on the mails.

HONORARY DEGREE

It was moved, seconded and *carried* that the degree of Doctor of Laws honoris causa be conferred upon The Honourable Mr. Justice Ernest Patrick Hartt of the Supreme Court of Ontario, Chairman of the Law Reform Commission of Canada, at the Call to the Bar Ceremony on 20th March, 1975.

CALL TO THE BAR — MARCH 1975 — MOTION RE ALPHABETICAL ORDER OF CANDIDATES ON DAY OF CALL

It was moved, seconded and *carried* that at the Call to the Bar in March 1975 the candidates be called to the Bar in alphabetical order on the day they are called.

CONVOCATION ROSE AT 11:20 A.M.

Read in Convocation and confirmed 20th March, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Thursday, 20th March, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Bowlby, Carrier, Carthy, Cass, Chappell, Collins-Williams, Cooper, Finlayson, R. J. S. Gray, W. G. Gray, Griffiths, Krever, Lochead, Pallett, N. MacL. Rogers, Rutherford, Seagram, Sopha, Strauss, Mesdames Sutherland and Tait, and Messrs. Willoughby and Zahoruk.

MINUTES

The Minutes of Convocation of 21st February, 1975 and of Special Convocation of 5th March, 1975 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Krever, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 13th March, 1975.

The following members were present: Mr. Horace Krever, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cass, Carley, Carthy, Collins-Williams, Griffiths, N. MacL. Rogers, Sopha and Willoughby.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Appointment of Assistant Director (Ottawa)

Mr. J. Patrick Watson, a partner in the Ottawa law firm of Watson, McWilliam, Alexander & Fontana, has accepted the position of Assistant Director in Ottawa for the Bar Admission and Continuing Education activities of the Law Society. He will be engaged for one half of his time in these activities and will also maintain his practice.

Approved subject to the approval of the Finance Committee.

Revisions to Timetable

A copy of the timetable proposed for 1975-76 was submitted to the Committee together with a comparison to the year just completed. The principal changes are:

(a) Accounting is reorganized on a section format rather than as a series of lectures spaced over 5 weeks;

(b) Professional Conduct is given a day for speakers and panels as well as opportunities to teach the subject as part of the substantive sections;

(c) Law Office Organization and Procedures is reduced to 2 separate days from 4, and the examination is abolished. Additional responsibility is given to the section to organize presentations on career opportunities and forms of practice to be given throughout the term in spare hours not used by the substantive sections;

(d) Corporate and Commercial Law is reduced from 14 teaching days to 12; and

(e) Family Law is increased by one teaching day to 7.

Approved

Inter-Disciplinary Family Law Workshop

The Law Society has been requested to sponsor with the Ontario Association of Family Service Agencies and Health and Welfare Canada, an invitational seminar to be conducted in June in Windsor. The main purpose is to enquire into the methods of each discipline and consider practical means by which lawyers and family counsellors can work together more effectively to deliver legal and counselling services to the client. The Law Society's involvement would be on the understanding that it would assume no financial responsibility.

Approved

Modification of Requirements for Academic Calls

A law teacher at the University of Ottawa, having obtained his Master of Laws degree from an Ontario law school and now in the process of completing his second year of teaching in an Ontario law school, wishes permission to complete the requirements for his Call to the Bar by entering and sucessfully completing the teaching term in the Bar Admission

Course commencing in September. It is understood that he could complete the requirements for an academic call by teaching his third year. His reason for requesting the alternative approach is that he finds himself "somewhat handicapped in presenting students with a complete picture of the subjects I teach without any firsthand knowledge of the method and procedures followed by legal practitioners . . ."

The Committee recommended that he be advised that he may enter the teaching portion of the Bar Admission Course commencing in September 1975 and be called to the Bar upon successful completion thereof.

APPROVAL OF LAW FACULTY

Professor F. Murray Fraser, Dean of Law, University of Victoria, applied for approval of the Faculty of Law of that University for the purpose of having its graduates enter the Bar Admission Course in Ontario.

Approved

THE REPORT WAS ADOPTED

Mr. Krever, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 20th March, 1975, prior to Convocation.

The following members were present: Mr. Horace Krever, Chairman, and Messrs. Cass, Sopha and Willoughby.

EXAMINATION RESULTS — SIXTEENTH BAR ADMISSION COURSE

The report of the Director of the Bar Admission Course on the results of the examination was before the Committee showing that 822 have passed and 4 have failed.

Approved

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 13th March, 1975.

The following members were present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Cooper, Krever, Lochead, Seagram, Sopha, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidates, having successfully completed the Fifteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted Certificates of Fitness:

Steven Iczkovitz
Laurence Gene Kearley

Approved

SPECIAL

The following candidates, having filed the necessary papers and complied with the requirements of the Admissions Committee in each case, are entitled to be called to the Bar and to be granted Certificates of Fitness:

Michael John Trebilcock	Faculty of Law, University of Toronto
Ernest Joseph Weinrib	Faculty of Law, University of Toronto

Approved

DIRECT TRANSFER

The Committee considered two applications for direct transfer to practice in Ontario. A member of the Saskatchewan Bar proceedings under Regulations 3(1) and 4(1) sought permission to attend the teaching portion of the Bar Admission Course in lieu of writing the transfer examination and a member of the Newfoundland Bar applied to proceed under Regulation 4(1). Both applications were approved.

THE REPORT WAS ADOPTED

Mr. Cass, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 20th March, 1975, prior to Convocation.

The following members were present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. R. J. S. Gray, Krever, Lochead, Seagram and Sopha, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The Committee had before it a list of 367 candidates who have successfully completed the Sixteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, and have applied for Call to the Bar and to be granted Certificates of Fitness on Thursday, 20th March, 1975.

Approved

The Committee had before it a list of 449 candidates who have successfully completed the Sixteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, and have applied for Call to the Bar and to be granted Certificates of Fitness on Friday, 21st March, 1975.

THE REPORT WAS ADOPTED

Approved

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Steven Neal Iczkovitz
Laurence Gene Kearley
Michael John Trebilcock
Ernest Joseph Weinrib

FINANCE COMMITTEE—Mr. W. G. Gray

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee.

The Committee met on Thursday, 13th March, 1975, the following members being present: Messrs. W. G. Gray (Chairman), Beament, Cartwright, Collins-Williams, Fennell, Krever, Pepper, Shepherd and R. F. Wilson.

Financial Statement

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July, 1974 to 28th February, 1975.

Approved

Rolls and Records

Deaths

The following members have died:

Wilfred Joseph Weiler, Q.C., Thunder Bay	Called — 17 October 1935 Deceased — 19 February 1975
Alfred Cecil Whaley, Q.C. Woodstock	Called — 18 October 1934 Deceased — 20 February 1975
John Fenston, West Hill	Called — 17 March 1955 Deceased — 9 May 1974
Samuel D. Marcus, Kingston	Called — 10 April 1964 Deceased — 30 January 1975

Noted

Membersip Under Rule 50 — Retired Members

Charles Moore Ricketts, Toronto, who is sixty-five years of age or over and fully retired from the practice of law and other employment, requests consideration of his application to continue his membership in the Society at a reduced annual fee of $25.00, beginning with the 1974-75 fee period.

Approved

Resignations

William Lloyd Andrews Pope of Daytona Beach, Florida, applies for permission to resign his membership in the Society and asks that his letter be accepted in lieu of the usual Declaration.

Approved

George Gordon Bryson of Toronto was called to the Bar in 1931. He has been hospitalized for three years as a result of a stroke. His sister has written on his behalf requesting that his name be removed from the Society's Rolls.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their Annual Returns for 1974. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules in 1974 and 1975. The memorandum also listed an Association which had sent in its Annual Return for 1973, indicating the amounts to which it appeared to be entitled under the Rules in 1973 and 1974. The Libraries and Reporting Committee will consider this memorandum at its meeting on this date.

Approved subject to the approval of the Libraries and Reporting Committee.

BENCHERS ELECTION

1. The Petition of John Zane Swaigen dated 3rd March, 1975 was before the Committee. The Petition requested the Law Society to take certain action in connection with the election of benchers to be conducted in April 1975. In a covering letter the Petitioner requested that the matter be put to the Finance Committee and the Legislation and Rules Committee in time to be forwarded to Convocation in March.

Mr. Swaigen attended and made submissions. The Committee undertook to forward his Petition to Convocation and to advise Convocation that, in addition to the items set out in the Petition, he wants Rule 9(2) reviewed, a candidates meeting called, and a room and funds so that he can arrange a candidates meeting in Osgoode Hall.

The Committee advised Mr. Swaigen of the difficulty, quite apart from the merits of his suggestions, of implementing those suggestions to affect the election already in progress.

2. The Committee was asked to consider a change to Rule 12(4), so that the word "second" will read "third". If the amendment is approved, Rule 12(4) will read:

> "Every voter shall enclose his ballot in the envelope or envelopes provided in accordance with the voting instruc-

tions and deliver it or send it by mail to the office of the Secretary so that it will be received thereat on or before the first Thursday after the third Wednesday in April of the year of the election."

Your Committee recommends that the amendment be made.

3. Estimated costs in connection with the election of benchers are as follows:

Realtime Datapro Ltd. —	
Keypunching and computer processing	$3,400.00
Source Data Control Ltd. —	
Printing ballots	832.26
General Printers —	
Printing and mailing costs	1,489.22
	$5,721.48

In addition, a special advertisement in Ontario newspapers has been inserted because of uncertainties of mail deliveries. The estimated cost of this advertisement is $2,600.

The last benchers' election held in 1971 cost $6,200.

DISCIPLINE COMMITTEE

The Committee had before it a schedule of amounts totalling approximately $64,000, being the balance outstanding in respect of Orders made by Convocation against solicitors to recover expenses incurred by the Society in connection with disciplinary matters.

. . . . .

Convocation considered Mr. Swaigen's Petition and correspondence. It was moved, seconded and *carried* that a Special Committee be appointed to review election procedures to affect the 1979 election of benchers, including all suggestions made in that regard.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

Mr. Lochead, Chairman, presented the General Report of the Discipline Committee.

The Committee met on 13th March, 1975, the following members being present: Mr. G. H. Lochead (Chairman) and Messrs. Beament, Carrier, Carthy, Cartwright, Cass, Chappell, Collins-Williams, Common, Cooper, Evans, Finlayson, Goodman, R. J. S. Gray, W. G. Gray, Griffiths, Krever, Maloney, N. MacL. Rogers, W. P. Rogers, Rutherford, Seagram, Shepherd, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Wallace and Willoughby.

COMPENSATION FUND — REVIEW OF PROCEDURES IN THE LIGHT OF RECENT DEFALCATIONS

Mr. Robert L. Anderson, C.A., attended the Committee's meeting at which time the matter of recent defalcations and the possible tightening up of the Society's procedures were discussed. As a result the Committee has approved the appointment of a sub-committee of five members, its complement to be named by the Chairman, to carry out an in-depth study of the general situation.

SECTION 18(1) OF THE REGULATION — LOAN COMPANIES

It has been drawn to the Committee's attention that whereas the original Section 18(1) of the Regulation made pursuant to The Law Society Act, 1970 included loan companies among those authorized to receive deposits of trust monies, the amended Section 18(1) excluded them. It is understood that this deletion came about through a desire to have the section consistent with Section 51(f)(1) of The Law Society Amendment Act, 1973, which dealt with the establishment of The Law Foundation of Ontario. A sub-committee of three members, its complement named by the Chairman, has been appointed to look into the situation and to determine whether there should be an amendment to the Regulation which would permit the inclusion of loan corporations and other similar institutions presently excluded.

SECTION 18(5)(a) OF THE REGULATION

The Society has been receiving enquiries from members of the criminal bar with respect to the application of Section 18(5)(a) which reads as follows:

> "18.(5) Money need not be paid into a trust account,
>
> (a) that a client in writing requests a member to withhold from the trust account or to deposit elsewhere;"

The proposition that is being put is that a retainer for specific services to be performed in a criminal matter could be deposited into the lawyer's general account if he obtains a written direction to that effect from the client. It is understood that in some cases lawyers are using a standard form of direction which is being presented to the client for signature at the time the retainer is paid over. The Committee is of the opinion that there is nothing improper in a lwayer obtaining from his client such a direction.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Lochead, Chairman, presented the Summary of the Compensation Fund for the period ended 28th February, 1975.

COMPENSATION FUND

For the Period 1st July, 1974 to 28th February, 1975
(8 months)

TOTAL RECEIPTS	$ 230,159.96
TOTAL DISBURSEMENTS	$ 63,686.34
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 166,473.62
BALANCE OF FUND 1st July, 1974	$1,313,918.82
BALANCE OF FUND 28th February, 1975	$1,480,392.44

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 28th February, 1975	$2,117,069.89
TOTAL PAID to 28th February, 1975 from the commencement of the Fund on account of 903 claims of 91 former solicitors	$3,250,670.40

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 3rd March, 1975.

The following members were present: Messrs. John D. Bowlby (Chairman), R. H. Carley, E. A. Cherniak, W. D. Griffiths, C. R. Harris and Isadore Levinter.

INTERIM FUNDING OF COMMUNITY LEGAL SERVICE PROJECTS

(a) *Parkdale Community Legal Services*

In late February, 1975, the Chairman received a telephone call from the Deputy Attorney General enquiring whether some of the interest from solicitors' trust accounts could be appropriated to Parkdale Community Legal Services.

Parkdale Community Legal Services had applied to the Law Foundation for a grant of $20,000 on a monthly basis. The request for money was made since the Federal Government has terminated funding of Community Legal Service Projects as of April 1975.

The Committee advised Convocation on February 21st, 1975, that the funds which will be received by the Legal Aid Fund from the Law Foundation in respect of the calendar year 1974 will be approximately 1.825 million dollars. The Government has indicated that, of this 1.825 million dollars, approximately 1.5 million dollars should be applied to the ongoing operation of the Ontario Legal Aid Plan for the fiscal year 1975-76.

There is, therefore, an unallocated balance of approximately $300,000 which could be made available to community projects such as Parkdale and the Victoria Park Pilot Project in Hamilton. However, there does not appear to be any clearly defined authority in the Legal Aid Act which would permit this funding to take place.

S. R. Ellis, Director of the Parkdale Community Legal Services, met with and delivered to the Provincial Director a letter dated the 26th of February, 1975, wherein he set out the background to Parkdale's request for funding from the Government as early as August 1974. Attached to Mr. S. R. Ellis' correspondence is a monthly breakdown of salaries and operating expenses for the Community Legal Services programme from the 1st of April, 1975, to September 30th, 1975. The total monthly operating expenses of Parkdale Community Legal Services is in the sum of $17,362.

The Committee reviewed the Parkdale correspondence and recommended that the application of Parkdale Community

Legal Services for interim funding be approved for the period commencing April 1st, 1975 to continue until September, 1975, and that Parkdale Community Legal Services should submit to the Ontario Legal Aid Plan a monthly statement which would indicate what amounts are necessary to continue operation for the succeeding month.

(b) *Victoria Park Pilot Project*

In August, 1972, Convocation approved a Pilot Project in Hamilton with the clinical model suggested in the Community Legal Services Report for use in low income communities where the utility of such a community clinic may be clearly evident and its establishment locally approved.

The purpose of the Hamilton project is essentially threefold:

(a) extended legal services — (e.g. relaxation of discretionary refusals)

(b) additional legal services — (e.g. group representation, formal programs in preventative law, community education, representation for "lobbying" purposes, etc.)

(c) a new range of legal services — (e.g. involving lawyers in the daily administration of the law at the bureaucratic decision-making level — as opposed to traditional involvement in the administration of justice at the level of judicial and quasi-judicial tribunals).

The project has been in operation in co-operation with the Victoria Park Community Centre and northwest community organization. In recent months disagreements have arisen between the other service organizations represented at Victoria Park which is a non-share capital corporation, with the result that funds are no longer available to the Victoria Park Community Centre. It is requested that funds from the interest on trust accounts be paid to the Victoria Park Community Centre to keep it operational.

The Committee reviewed a memorandum setting out a summary of financial needs for 1975-76 of the Victoria Park Centre which amounted to $836 per month.

The Committee was of the opinion that the Legal Aid Plan could not pay out the sum of $836 per month to keep the offices which house the Victoria Park Community Centre from falling into arrears since the Legal Aid Office represented only 500 square feet in a large two-storey building.

Mr. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 19th March, 1975.

The following members were present: Mr. George E. Wallace (in the Chair) and Messrs. J. D. Bowlby, J. J. Carthy, R. W. Cass, J. B. Chadwick, L. S. Fairbairn, L. K. Ferrier, G. D. Finlayson, W. D. Griffiths and C. R. Harris

CONTROLLER'S REPORT

(a) The Controller submitted a Statistical Report for the month of February 1975.

(b) *Write-offs*

The Controller submitted on behalf of the Director a summary of accounts to be written off totalling $18,119.12.

APPOINTMENT OF VICE-CHAIRMAN

The Committee recommended that Mr. W. D. Griffiths be appointed a Vice-Chairman of the Legal Aid Committee.

APPOINTMENT OF AREA DIRECTOR — HALTON COUNTY

The Committee approved the recommendation of the Halton County Law Association, the Halton County Legal Aid Area Committee and the Director that Mr. David L. McKenzie, Solicitor, be appointed Area Director of Halton County.

TASK FORCE REPORT

On Friday, 14th March, 1975, at 11:00 a.m., the Attorney General of Ontario tabled and made public the Report of the Task Force on Legal Aid.

The Treasurer of the Law Society and the Chairman of the Legal Aid Committee held a press conference in the Treasurer's Room at Osgoode Hall at 11:45 a.m.

The Society's Press Release to the media read as follows:

"The Law Society of Upper Canada

For release 11:45 a.m.
Friday, 14th March, 1975

The Law Society of Upper Canada is studying the recommendations and implications of the Report of the Task Force on Legal Aid released by the Attorney General.

Claims were made at the public hearing of the Task Force that there was some conflict of interest in the Society because it both administers the Plan and governs the legal profession. The Task Force found no evidence to support this.

At present the Government is responsible for Legal Aid policy and the Law Society for its administration. The Task Force praises the administration as 'imaginative', 'energetic' and 'enthusiastic' and then goes on to recommend that the administration be handed over to a statutory non-profit corporation. The reason for this recommendation remains obscure. As stated in the Report it is that 'it is impossible to perceive the direction of the Legal Aid Plan as being sufficiently single minded if it is left in the hands of . . . the Law Society'. The Task Force supports this reason by expressing the fear that the Society would not be aggressive enough in competing for Government money to support an extended Legal Aid Plan for fear of giving the impression that it was doing so to benefit the profession.

The Law Society does not want its attitude toward Legal Aid to be misunderstood and regards the Task Force argument as mistaken. The proposal to pay lawyers for legal aid services was made in a Government-sponsored Committee report in 1965 and not as a scheme by the Society to put money in the pockets of its members. The Society's policy always has been and will continue to be to press for any action to improve legal aid services, including going after the Government for necessary funds.

The structure proposed by the Task Force for the administration of Legal Aid appears to be top heavy and expensive. Salaries that might run to $100,000 a year would be paid for services which are now performed voluntarily by the Chairman and Vice-Chairman of the Legal Aid Committee. If this new administrative machinery is brought into operation, the Society will collaborate and work with it to the best of its ability, but the effect the Task Force proposal would have on the profession as a whole is another question. Under the present system, the lawyers of Ontario feel they are making a positive contribution to the welfare of their fellow citizens. It would not be the same if legal aid were to become simply a matter of selling legal services to a corporation.

The Task Force makes 87 other recommendations. Nearly all of them have already been made by the Law Society during the past three years. Specifically, to mention only a few, group representation, the legal advice and assistance program, extension of clinical projects and advertising have all been recommended to the Government by the Law Society. No action has been taken probably because the Government hasn't decided on its own policies and was waiting for guidance from the Task Force.

The Task Force takes an ambivalent position with regard to the clinic method of giving legal aid. There is nothing wrong in appropriate circumstances with salaried lawyers making their services available through clinics to people who need legal advice and assistance. The Hamilton clinic project which is in operation now goes some way in this direction. It would be wrong, however, if clinics staffed by salaried lawyers became the universal or even preponderant method of delivering legal aid services. The salaried lawyer would tend not to have the freedom he should have to advance his client's interests particularly where they are opposed by some Government agency. Moreover such clinics would represent a further erosion of the citizen's right to privacy and it is difficult to believe that clinic files would be adequately protected against unwarranted examination.

The Law Society certainly agrees that Legal Aid must be extended and that a lot needs to be done to make people aware of its services. We feel very strongly that the continued participation of lawyers in private practice is necessary to the health of the Plan. Both the Task Force and the Society have made their recommendations and now it is up to the Government to decide what policy it will adopt."

QUEBEC LEGAL AID PLAN

On Friday, 28th February, and Saturday, 1st March, Mr. John D. Bowlby, Chairman, Mr. W. D. Griffiths, and the Director attended on the Administrators of the Quebec Legal

Aid Plan to study the neighbourhood law concept of dispensing legal aid through salaried lawyers. The Committee had before it a summary of the Quebec experience prepared by Mr. Griffiths.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended that the following be appointed members of the respective area committees:

Lambton County
Mr. Joe Foreman, Solicitor, Sarnia.

RESIGNATIONS:

Lambton County
Mr. F. Jordan Edward, Solicitor, Sarnia.

Frontenac County
Mr. J. G. Donovan, Manager, Victoria & Grey Trust Company, Kingston.

Brant County
Mr. Hugh Innes, Brantford.

Time did not permit completion of the discussion respecting the Legal Aid Reports. Convocation directed that further discussion be postponed until Friday, 21st March, 1975.

CONVOCATION ADJOURNED FOR LUNCHEON AT 11:40 A.M.

CONVOCATION RESUMED at 2:00 P.M. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the 367 graduates of the Sixteenth Bar Admission Course who had applied to be called on Thursday, 20th March, 1975. A quorum was present. The body of the auditorium was occupied by the graduates, their families and friends.

CONFERRING OF HONORARY DEGREE

Mr. H. Krever, Chairman of the Legal Education Committee, read the following Citation:

Mr. Treasurer —

It is my most pleasant duty to present to you and to this Convocation The Honourable Mr. Justice Ernest Patrick Hartt and to request that you confer upon him the degree of Doctor of Laws. His Lordship has devoted his outstanding energy and ability to the analysis and improvement of our laws of criminal justice. To his academic attainments he has added long experience gained as a teacher in the fields of criminal law and procedure, as a practitioner when he defended with vigor, skill and scrupulous fairness the rights of those facing prosecution, and as a Judge of the Supreme Court of Ontario when the contesting interests of the citizen and the Crown were disposed by his judgment.

The varied and complementary attributes which he brought to the exacting and creative demands of the post of Chairman of the Law Reform Commission of Canada were enhanced and directed by his critical dissatisfaction with the imperfect procedural rules and sensitive awareness of the need for humane revision and development of the laws under which the rights of individuals within the state are protected and defined.

I request you, Sir, to confer upon The Honourable Mr. Justice Ernest Patrick Hartt the degree of Doctor of Laws, honoris causa.

The Treasurer conferred the degree of Doctor of Laws, honoris causa, upon The Honourable Mr. Justice E. Patrick Hartt.

The Treasurer introduced Mr. Justice Hartt who addressed the graduates.

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. James C. MacDonald, Director of the Bar Admission Course, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following scholarships and prizes:

The Law Society Prize for the student standing second; The Edwin George Long, K.C., Memorial Scholarship; The Commercial and Company Law Prize; and The William B. Common Prize for Criminal Procedure — Ian Cooper Harrison

The Law Society Prize for the student standing fourth; and The S. J. Birnbaum, Q.C., Scholarships for Estate Planning, Second Prize (tie) — Stephen Bruce Blain

The McCarthy Income Tax Prize — Roger Charles Gibson

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning, Second Prize (tie) — John Fokken Timmerman

The Arthur Wentworth Roebuck Award for Family Law — Barbara Cecile Foell

The International Academy of Trial Lawyers Plaque for the highest combined marks in Civil Procedure I and Civil Procedure II (tie) — George McQueen Bartlett; Selma Norrie Colvin.

and congratulated the following who have been given special appointments:

Law Clerks to The Honourable George A. Gale, Chief Justice of Ontario — Heward Jory Kesten; Richard Bruce Peterson.

Law Clerks to The Honourable Dalton C. Wells, Chief Justice of the High Court of Ontario — Charles Cameron Ewert; Samuel Roy Rickett; Gertrude Fuchs Speigel.

CALL TO THE BAR

Mr. R. W. Cass, Chairman of the Admissions Committee, presented to the Treasurer the candidates for Call to the Bar:

SIXTEENTH BAR ADMISSION COURSE 1974-75

CANDIDATES FOR CALL TO THE BAR ON THURSDAY, 20TH MARCH, 1975

Stephen Roy Abraham
Ella Mary Agnew
Catherine Dick Aitken
Darlene Loretta Allems
Harriet Rochelle Moses Altman
Charles David Anderson
Rosalind Anne Lynette

Thomas Anderson
Donald Frederick Angevine
Jerry Manny Applebaum
George Larry Argiris
Anne Elizabeth Pollitt Armstrong
Carolyn Dienne Ateah
Kenneth David Atkinson
Hugh Knox Atwood
John William Atwood
William Owen Sydney Ballard
Jerald Melvin Banks
George McQueen Bartlett
George Wes Barycky
James Peter Bassel
Mark Lewis Berens
Gregory Osborne Best
Karlheinz Konrad Beyer
John Christopher Cornelius Bierens
Douglas Stewart Black
Joseph Black
Stephen Bruce Blain
Robert William Blakely
Stanley Frank Bogucki
Peter Borkovich
James Hill Borland
David James Bradley
Cornelius Alfred Brennan
David Carl Brennen
Allan Douglas Brock
Edmond O'Donoghue Brown
Ernest John Brown
Lynda Catherine Elizabeth Brown
Michael Joseph Bukovac
Gerald Bruce Burdett
John Arthur Henry Bush
Bruce Edward Bussin
Michael Carvel Gordon Butler
John Warren Caldwell
Hugh Ross Campbell
Cynthia Gayle Campling
James Terrence Cannon
Robert Brown Carter
Michael Christopher Cascone
John Frederick Casey
Lawrence George William Chapman
Kenneth George Chomut
Philip Robert Christo
Boris Nicholas Christoff
Antonio Siriano Ciccone
Gordon Stanley Clarke
Thomas Hugh Clemenhagen
Colin MacKenzie Cockburn
Ronald Cohen
David Paul Cole
Ian Jerrold Collins
Donald Earle Collison
Selma Norrie Colvin
Paul Thomas Conway
Thomas Michael Conway
James Gregory Cook
Robert Kingham Cooper
Daniel Thomas Cox
Donald MacGregor Cross
Gordon Douglas Cudmore
Paul William James Culver
Sammy Lawrence Cureatz
Timothy Paul Czajkowski
Lee David
Moshe Tomi David
Marie Davison
Frank Timothy Deeth
Paul Thomas Deighton
Vladimir Desanti
Noorali Premji Dhanani
Gregory Millyard Dickinson
Jan Dolezel
Harold Bruce Donnelly
Garth Howard Drabinsky
William Bruce Drake
Mary Anne Ducharme
Senka Katarina Dukovich
Allan Wesley Dunfield
Michael Anthony Dunlap
Patrick Joseph John Dunnion

Peter Simon Dykstra
Diana Caryn Dzwiekowski
Richard Joseph Ely
Donald Burton Evans
Gregory Thomas Evans, Jr.
John Paul Evans
Charles Cameron Ewert
Brian Richard Farmer
Joseph John Faust
James Joseph Feehely
Lawrence Thomas Feldman
Paul Magnus Feldman
John Lynn Ferris
Jonathan Thomas Fidler
Barbara Cecile Foell
James Edward Fordyce
Brian Albert Foster
Laurel Anne Foster
David Glenford Francis
James Duncan McArthur Fraser
Jeffery Lyon Freelan
Derek Robert Freeman
Samuel Victor Freeman
Irving Isaac Frisch
Larry George Frolick
Gary Mark Gampel
Larry Sydney Gangbar
Richard Anthony Michael Gazzola
Gordon Merle Gervais
Roger Charles Gibson
John Louis Gignac
Marilynne Pamela Glick
Murray William Graham
Yvette Gisele Graham
Douglas Richard Grandy
John Mitchell Grange
Laurie Allison Grant
Stephen Mark Grant
Lorne Morley Greenberg
Norman Greenberg
Sheldon Lee Grimson
Peter Andrew Grunwald
John William James Gullett
Bernard Gurian
Harvey Howard Hacker
Arthur Leigh Haladner
David Reginald Bryce Hamilton
Penny Ann Hanson
Zakaul Haque
Peter Augustus John Harris
Ian Cooper Harrison
John Robert Heatley
Robert James Heffron
Harry Ralph Hendry
Martin Maxwell Herman
John Lorne Amos Hill
David Gerald Hiltz
William Murray Holdsworth
Gordon Morison Holland
John Henri Paul Hornak
Ian David Hugill
Henry Kou-See Hui
Douglas Craig Hunt
Robert Garrick Edward Hunter
George Kenneth Hutcheson
Gae Victoria Hutchinson
Larry John Innanen
James Richard Crawford Irvine
Richard George Isaac
John Mowat Jaffey
Chester Jaremey
William George Jeffery
Gerald Richard Johnson
Daphne Johnston
John Gregory Johnston
Penny Joanne Jones
Michael Frederick Kacaba
Anthony Hugh Alexander Keenleyside
Michael Edward Kelly
Paul John Kelly
George William Kemp
Peter Steven Kennedy

Andrew Zoltan Kerekes
Heward Jory Kesten
Roger Stephen Kimmerly
Gerald William Kinasz
Jeffrey Lewis Kirsch
Gary Leonard Klein
Robert David Kligerman
Meyer Korman
Kees Wouter Kort
Randall William Lalande
Rene Evert Edwin Larson
Samuel Saul Laufer
Thomas Harold Lawrason
Mark Robert Lazarovitz
Donald Dennis Leahy
John Robert LeBlanc
Thomas Raoul Lederer
Bruce Lawrence Lee
Derek Vincent Lee
Irving Saul Leipciger
Brian Wilfred Lennox
Donald Wayne Leschied
Ronald Bruce Lester
Lorne Levine
Brian Harvey Levitan
Brian Michael Levitt
Charles Lorne Linden
Marc Harry Linett
Richard John Linley
Graeme Melville Litteljohn
Richard Llewellyn
David Louis
Ellen Margaret Macdonald
Donald Archibald MacDonell
Patrick Hugh MacIsaac
John Blair Mackenzie
Margaret Jean Mackenzie
Richard Wayne MacKinnon
Michael Makarchuk
Bernard Mandel
Allan Stephen Manson
Edward George Manthorp
Ronald Edgar Mark
Charles Zakery Markowitz
Mary Jane Elizabeth Martin
William Michael Martin
Ian Thomas McEachern
Robert Watson McFadden
John Norman McKay
William George Michael McKay
William Andrew McLauchlin
John Alexander McLeish
Dexter James McMillan
Christopher Kirkpatrick McNaught
David James McTurk
Gordon Victor Meakings
Yaroslav Mikitchook
James Ian Minnes
Janet Eleanor Minor
Nicola Mircheff
Duncan Bernard Morris
William Thomas Morrison
Michael Philip Morse
Edward Young Morwick
Alan Mostyn
Blake Michael Murray
Kenneth Duncan Murray
Jack Stephen Mustoe
Frederick Nasello
Salvatore Sam Nassello
Maurice Joseph Neirinck
Alan Hart Nemoy
Peter Joseph Neubauer
Harvey Richard Newton
David Leonard Nicholds
Richard Meredith Nolan
Hugh Gordon Norsworthy
Peter Selby Oliver
John David Ostler
Ernest Walter Painter
Robert Edward Pakenham
Allan Dare Pearce
John Peter Pelletier
Jeffrey Lyndon Percy
John Harvey Perkins
Richard Bruce Peterson

Volodymyr Walter Maxym Petryshyn
Marlene Irma Philip
Herbert Hunter Phillips
George Chi-Wah Pih
Steven William Piper
John Paul Pitura
Larry Ralph Plener
Kent Fraser Pollard
Toni Barbara Polson
Guy Louis Rachel Edmond Poppe
Donald Stephen Posluns
Anthony Joseph Burwood Powell
Jack Jacob Press
Benjamin Francis Pritchard
Algirdas Puteris
Michael James Quinn
Jason Arnold Reiskind
Stephen Albrecht Benedict Renner
Robert John Renton
Gregory Allan Rice
Larry Robert Richardson
Samuel Roy Rickett
Albert Johannes Ristimaki
Louis Alfred Robayo
Garth Sheldon Roberts
Robert Rodan
Giacomo Rosati
Leslie Harris Rose
Andre Rosenbaum
Donald Campbell Ross
Jerome Samuel Rotenberg
Stephen James Ruben
Orest Harold Terrence Rudzik
Lawrence Dudley Ryder
Jay Hartley Safer
Jerry Saltzman
Lorne Paul Salzman
Gerry Samulovitch
Stewart David Saxe
James Albert Scarfone
Paul Larkin Seitz
Terri Helen Semanyk
Frederick John Patrick Shanahan
Douglas Carlyle Shaw
James Victor Shaw
David Hirsch Shlagbaum
Merrick Richard Siegel
Anne Margaret Silverman
Ernest Singer
Ronald Stuart Sleightholm
David Bradfield Sloan
Glen Arthur Cyril Smith
James Mitchell Smith
James Waverly Smith
Warren James Smith
June Sone
Larry Steven Sonenberg
John Alexander Soule
Christopher James Sparling
Anthony Michael Speciale
Gertrude Fuchs Speigel
Trevor Basil Spurr
Barbro Elisabet Stalbecker
Harold Wolfe Stein
David Alexander Stewart
Ralph Richard Stone
Howard Jack Strauss
Murray Delbert Stroud
John Richard Taylor
Michael Laverne Telfer
Stephen Thom
John Fokken Timmerman
Mark David Topp
Seymour Bernard Trachimovsky
Elizabeth Joan Trueman
Lance Arden Turlock
Daniel Solomon Ublansky
Donald Wreford Upton
John Russell Dundass Uren
Mogambra Nathan Govindasamy Vandeyar

Alexander Charles Van Houten
Lutz Alexander Von Bogen
David Ian Wakely
Ronald Cameron Walker
James Cornelius Wall
Cynthia Brenda Borovoy Warren
Shane Michael Watson
Ian Donald Andrew Webb
Gregory James Welch
Heather Ann Werry
Paul James Westlake
Colin Richard Westman
Samuel Wetston
William Lawrence Whalen
Marni Mary-Ann Kathleen Whitaker
David Alec Whitfield
Roger Webster Ivan Wight
John Thomas Wiley
Conrad Albert Willemse
Thomas Scott Wilson
Richard Siu-Dick Wong
Donald William Wood
Robert Lloyd Woolner
William Clifford Worden
Thomas Alan Wright
Sandy Alexander Zaitzeff
David Louis Zifkin
Gabriel Zimmerman
John Allen Zinszer

The Treasurer then conferred upon the the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION ADJOURNED AT 3:30 P.M.

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable G. A. Gale, Chief Justice of Ontario, presiding.

Mr. R. W. Cass presented the candidates to the Chief Justice before whom they took the usual oaths and acknowledged their signatures on the rolls in the presence of the Court.

The Chief Justice addressed the new Barristers.

CONVOCATION RESUMED

Friday, 21st March, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Bowlby, Carrier, Cass, Cooper, Collins-Williams, Finlayson, R. J. S. Gray, Griffiths, H. E. Harris, Humphrey, Krever, Lochead, Ogilvie, Pepper, N. MacL. Rogers, W. P. Rogers, Rutherford, Seagram, Sopha, Strauss, Mesdames Sutherland and Tait, and Messrs. Wallace and Willoughby.

LEGAL AID COMMITTEE—Mr. Bowlby

Discussion of the two Reports of the Legal Aid Committee presented to Convocation by Mr. Bowlby, Chairman of Thursday, 20th March, 1975, continued.

BOTH REPORTS WERE ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

Re: MICHAEL T. WADSWORTH, Toronto

The solicitor attended with his counsel. The Society was represented by counsel. The reporter was sworn.

The solicitor was asked whether he wished members of the Committee hearing the matter to retire and he replied through his counsel that he had no objection to their remaining. The solicitor, both counsel and the reporter then left Convocation Room.

The Decision of the Discipline Committee, dated 3rd March, 1975, was read. The Committee found the solicitor guilty of professional misconduct in that he had failed to maintain proper books and records and file the necessary auditors' reports and had borrowed from clients without their having independent legal advice and without disclosing material circumstances affecting the loans.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

It was moved and seconded that Convocation by Order reprimand Michael Thomas Wadsworth in Convocation, and that Michael Thomas Wadsworth be required to pay the expenses of the Society's investigation of his professional affairs and of the hearing in the amount of $1,956.70, and that he be required to file monthly reports for a year and quarterly audited reports for two years thereafter.

The solicitor and counsel returned and were told that the Decision had been accepted and advised of the motion respecting penalty. Counsel for the solicitor made submissions and asked that the fact of the reprimand not be published and that no award as to costs be made, or, alternatively, that the figure be reduced. Counsel for the Society made submissions. The solicitor and counsel withdrew.

It was moved by way of amendment, seconded and *carried* that the payment of expenses be deferred a reasonable time to permit the solicitor to pay his present indebtedness to clients.

It was moved and seconded that the fact of the reprimand not be published. The motion was *lost.*

The motion as to penalty as amended was *carried.*

The solicitor was advised of Convocation's action. He was advised of his right of appeal and that if he wished to do so, he could waive his right of appeal and request that the penalty of reprimand be carried out forthwith. The solicitor waived his right of appeal.

The Treasurer reprimanded the solicitor.

Note: The solicitor is Michael Thomas Wadsworth of Scarborough not Michael A. Wadsworth, the Toronto lawyer who is well known in football and broadcasting.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Krever presented the Report of the Professional Conduct Committee.

The Committee met on Thursday, 13th March, 1975, the following members being present: Mr. Arthur E. M. Maloney (Chairman), Messrs. Carrier, Carthy, Cartwright, Chappell (Vice-Chairman), Evans (Vice-Chairman), Fennell, Goodman, R. J. S. Gray, Griffiths, Krever, Lochead, N. MacL. Rogers, W. P. Rogers, Seagram, Strauss and Wallace, and Mrs. Sutherland and Mrs. Tait.

SUB-COMMITTEE TO CONSIDER CODE OF PROFESSIONAL CONDUCT — CANADIAN BAR ASSOCIATION

The Committee recommended the adoption of the Canadian Bar Association's Code of Professional Conduct. A sub-committee composed of Mr. Goodman as Chairman, Mrs. Tait and Messrs. R. J. Gray, W. P. Rogers, Seagram and Maloney (ex officio) has been appointed to consider its integration into the Society's Rules of Professional Conduct.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE —

Mr. H. E. Harris

Mr. H. E. Harris, Chairman, presented the Report of the Libraries and Reporting Committee.

The Committee met on Thursday, 13th March, 1975, the following members being present: Messrs. Seagram (Vice-Chairman), Borins, Carley, Carthy and N. MacL. Rogers, Mrs. Tait, Messrs. Wallace and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

Donations were received from Mrs. Walter Persram, West Hill (78 volumes of texts, digests and reports; 58 loose parts of periodicals); Mr. W. B. Common, Q.C., Toronto (28 volumes of biography and legal miscellany); and Mr. James DaCosta, Solicitor, Toronto (43 volumes of statutes and reports).

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1974. The amounts of the grants which they are entitled to receive under the Rules in 1974 and 1975 are as follows:

	1975	*1974*
Carleton	$2,000.00	$2,000.00
Cochrane	1,770.00	1,665.00
Elgin	1,705.00	1,600.00
Hamilton	2,000.00	2,000.00
Huron	970.00	830.00
Kent	2,000.00	2,000.00
Lindsay	965.00	970.00
Middlesex	2,000.00	2,000.00
Oxford	1,915.00	1,845.00
Peel	1,705.00	1,600.00
Temiskaming	750.00	750.00
York	3,500.00	3,500.00

In addition to the grants for 1975, the following annual grant for Lindsay Law Association is requested for 1974:

		1974	*1973*
Lindsay	$970.00		
Less penalty for late filing (10%)	97.00	$ 873.00	$ 750.00

Approved subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Strauss, Chairman, presented the Report of the Unauthorized Practice Committee.

The Committee met on Thursday, 13th March, 1975, the following members being present: Messrs. Strauss (Chairman), Fennell (Vice-Chairman), Cass and Cooper.

The Committee was advised that the prosecution which had been launched against an immigration consultant had been remanded.

The Committee considered an advertisement for a lawyer to be employed by a management consultant firm. The Committee recommended that the revised wording in the advertisement is satisfactory to the Society.

The Committee considered a letter of complaint from a solicitor concerning an individual drafting and filing pleadings in a Supreme Court action as agent for one of the parties contrary to Section 50 of The Law Society Act. The Committee recommended that counsel be retained to investigate and if considered advisable to commence an action for unauthorized practice.

The Committee considered an opinion from counsel concerning a prosecution of a divorce kit by mail service and authorized counsel to proceed.

The Attorney General for Ontario acknowledged receipt of the Society's letter concerning numerous complaints of the judiciary about divorce kit operators and commented favourably on the Society's procedure in prosecuting these operators.

THE REPORT WAS RECEIVED

APPOINTMENT OF SPECIAL COMMITTEE RE PROCEDURES UNDER SECTION 35

The Treasurer appointed a Special Committee to consider Procedures under Section 35 of The Law Society Act composed of Messrs. Cartwright (Chairman), Carthy, Lochead and Rutherford.

REPORT RE BENCHERS ELECTION

— THE SECRETARY

Mr. Kenneth Jarvis, the Secretary of the Law Society, presented his report respecting the Benchers Election.

The uncertainty of mail deliveries has threatened to disrupt the election of Benchers this year. A Special Convocation held on March, 1975, instructed the Secretary to propose a method of conducting the election without reliance on the mails. The Secretary set out four feasible methods of circulating the ballots to the profession and recovering the ballots when they had been marked. After considering all four he came to the conclusion that the most satisfactory method was to rely upon the mails entirely and, if necessary, extend the time if mail deliveries were in fact interrupted during the voting period.

The Secretary recommended that reliance be placed upon the mails in the election and that the Treasurer be authorized under Rule 16 to extend the time for balloting if he considered it to be necessary because of continuing uncertainty in mail deliveries.

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 11:45 A.M.

CONVOCATION RESUMED at 2:00 p.m. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the 449 graduates of the Sixteenth Bar Admission Course who had applied to be called on Friday, 21st March, 1975. A quorum was present. The body of the auditorium was occupied by graduates, their families and friends.

CONFERRING OF HONORARY DEGREE

Mr. H. Krever, Chairman of the Legal Education Committee, read the following Citation:

Mr. Treasurer —

May I present to you and to this Convocation The Honourable Emmett Matthew Hall, and request that you confer upon him the degree of Doctor of Laws. He is a distinguished Canadian whose dedication to the highest principles of justice was first publicly acclaimed over forty years ago when it was expressed with clarity and courage during his practice at the Bar of Saskatchewan in the legal defence of those accused of rioting to contest the hardships of unemployment. The humanitarian ideals his advocacy proclaimed were constantly supported by his judgment while he was Chief Justice of Saskatchewan, and later a Justice of the Supreme Court of Canada, and were exemplified by the wisdom and fairness of his assessment of the rights of the Nishga Indians to their ancestral lands about the Nass River in British Columbia.

As Chairman of the Royal Commission on Health Care his constructive imagination was engaged to propose a means of ensuring that all Canadians regardless of poverty could receive the benefits of medical science, and as a Royal Commissioner on Education his recommendations again reflected his deep concern for the advancement of those whose limited natural abilities placed them at a disadvantage.

I request you, Sir, to confer upon The Honourable Emmett Matthew Hall the degree of Doctor of Laws, honoris causa.

The Treasurer conferred the degree of Doctor of Laws, honoris causa, upon The Honourable Emmett Matthew Hall.

The Treasurer introduced Mr. Hall who addressed the graduates.

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. James C. MacDonald, Director of the Bar Admission Course, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the Treasurer's Medal to:
Murray Jay Perelman

and the following scholarships and prizes:

The Roland O. Daly Scholarship; The Edwin George Long, K.C., Memorial Scholarship; and The S. J. Birnbaum, Q.C., Scholarships for Estate Planning, First Prize (tie) — Murray Jay Perelman

The Law Society Prize for the student standing third — Ross Arthur Reaburn

The Criminal Procedure First Prize; The Vera L. Parsons Prize; and The S. J. Birnbaum, Q.C., Scholarships for Estate Planning, Second Prize (tie) — Peter Cochrane Heath

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning, First Prize (tie) — Nancy Deborah Chaplick

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning, Second Prize (tie) — Brian Ronald Carr; Brian Clendenan Keith; Walter James Palmer

The Lady Reading Club Prize — Kathryn Newman Feldman and congratulated the following who have been given special appointments:

Law Clerks to The Honourable George A. Gale, Chief Justice of Ontario — Christine Ellen Hart Carroll; Kathryn Newman Feldman

A Law Clerk to The Honourable Dalton C. Wells, Chief Justice of the High Court of Ontario — David Charles Woods

Law Clerks to His Honour Chief Judge William E. Colter, Chief Judge of the County and District Courts for the Counties and Districts of Ontario — Michael Leshner; Donald Virtue Macdougall

A Law Clerk to His Honour Chief Judge F. C. Hayes, Chief Judge of the Provincial Courts (Criminal Division) for Ontario — Paul David Mack

---

Call to the Bar

Mr. R. W. Cass, Chairman of the Admissions Committee, presented to the Treasurer the candidates for Call to the Bar:

Sixteenth Bar Admission Course 1974-75

Candidates for Call to the Bar On Friday, 21st March, 1975

Kevin Reno Aalto
Paul Douglas Abell
Leo Adler
Barry Michael Ages
Michael Colombo Allemano
Lois Maureen Andal
James William Andrew
Kenneth Victor Anthony
Sam Joshua Apelbaum
Cheryl Linda Appell
Stephen Sheldon Appotive
Winston Alphonso Ashmeade
Frank Arthur Wellington Ault
Peter Paul Ayotte
Robert William Baksi
Robert Wyatt Baldwin
Thomas Campbell Barber
John Jardine Barkwell
Gordon Wayne Barnes
James Brady Barnes
David John Barnhart
Audrey Therese Christine Bayduza
Alan Bell
Renzo Belluz
Leonard Murray Beneteau
Malcolm Bennett
John Campbell Benson
John Frederick Bentley

Jack Benjamin Berkow
Ivan Terrance Bern
Barry Thomas Bernstein
Andre Louis Joseph Berthelot
Donald Peter Best
Kenneth Joseph Bialkowski
Louise Diane Binder
George Harvey Bishop
Richard Roman Boraks
Leonard Elliot Borer
Thomas John Bortnick
Donald Peter Boychyn
Edward Harold Bradley
Ronald Neil Brady
Philip Edward Brent
Ercell Jim Brown
James Campbell Brown
Peter Joseph Brown
Fraser Kenneth Brownlee
Robert Patrick Bruce
Robert James Buchan
Charles Richard Thornton Buck
Ronald Edward Burnett
David Gidney Butler
Stuart John Butts
James Robert Cade
Brian Malcolm Campbell
Brian Lawrence Cappel
Peter Campbell Card
Brian Ronald Carr
Christine Ellen Hart Carroll
William Joseph Carroll
Joseph Frank Caruso
Ronald William Castellani
Michael Andrew Chambers
Nancy Deborah Chaplick
Catherine Ann Chapman
Paul Arnold Chappell
Philip Chodos
John Michael Clarke
Leo Peter Clyne
William Patrick Cody
Albert Herman Cohen
Brian Douglas Collins
Grant Ross Collins
Ronald Bernard Collins
Thomas Patrick Connolly
David Arthur Connor
Michael Dermot Conway
Donald Merrill Cooper
Donald Gordon Cormack
Guy Murison Cottrell
Michael Joseph Cowle
Larry Gordon Culver
Paul Edward Joseph Curran
Rodney David Dale
Thomas D'Angelo
Glenn Jeffrey Daniels
Garry Wayne Dawson
Lorenzo Antonio De Franco
Guy DeMarco
Elise Marie DeVillers
Harold Girvin Devitt
Henry De Young
David Harold Doherty
Tilton Thomas Donihee
Joseph Brian Donnelly
Donald Brian Donovan
Michael Allan Dorey
Larry Walter Douglas
Alain Jean Dubuc
William Dugald Dunlop
Robert Ross Dunsmore
Peter Dymoke Eberlie
Ward Pitfield Dudley Elcock
Glenn Leslie Elliott
Terrence John Ellwood
William James Emmerton
Gerald Douglas Fallis
Joseph Feldman
Kathryn Newman Feldman
Stephen Barrie Feldman
Hugh Alexander Fergusson
Elmer Wade Fernihough
Richard Barry Fillimore
David Elliot Fine

Lee Francis Joseph Fitzpatrick
James Michael Flaherty
Stephen Paul Flott
Harry Mendel Fogul
Sean Finbarr Foley
Harry Sorbie Follon
John Edgar Forsyth
Gerald Bruce Fox
Lynda Ann Hughes Franklin
Joseph Michael Fratesi
Steven Louis Friedrich
Mark Teddy Frydman
David William Fullerton
Michael Elliot Garfin
Suzanne Seguin Garfin
Nola Estelle Garton
David Colin Gavsie
Gregory Williams Gee
Marvin Sidney Norman Geist
Connie Lynne Peterson Giller
Douglas Allan Giller
Pierre Armand Girouard
Geraldine Judith Saipe Goldstein
John Gordon Goodwin
Daniel Theodore Gordon
Nathan Gotlieb
Donald James Grant
Earl Marshall Green
Isak Grushka
Stephen Colin Guest
Edward David Gulliver
John Patrick Gunning
Richard Allan Halabisky
Mary Christine Hall
Rudolph Michael Halmo
Virginia Willard Hamara
Peter Brittain Hambly
Michael Arnold Handler
Brian John Hanna
Suzanne Irene Ruth Hanson
Richard D'Arcy Harlow
Daniel Leo John Harrington
Charles Roland Harris
David Harris
Peter Eugene Harvey
Ronald Joseph Hayward
Peter Cochrane Heath
Gregory Bruce Hedley
Raimo Tapani Heikkila
Stuart Edward Hendin
Ronald Kenneth Henry
Francis Alfred Highley
William Robert Bruce Hill
Gregory Ronald Hiseler
John Courtney Holland
John Arthur Horsfield
Brian Nelson Howe
Paul Michael Huckins
Constance Helen Hueston
Roger Melville Hunt
David Arthur Hurren
Guy Andre Joseph Hurtubise
Allan Murray Huycke
William John Inwood
Zune Itzkovitch
Gordon Lonny Jacobs
Brian George Jacques
Stanley Peter Jaskot
Charles McPhail Jones
Norval Alan Jones
Marsha Kagan
Joseph Howard Kappy
John David Keast
Richard Wayne Keeler
Helen Elizabeth Forestell Keeley
Brian Clendenan Keith
Rita Anne Kelly
William Edward Kelly
Vera Maureen Kempston
Donald William Kislock
Gary Gordon Kitchen
Paul David James Kiteley
Paul Emory Knill
Paul Kochberg
Allan William Kogon

Margaret Jane Kohr
George Peter Koroloff
John Kukurin
Gerald Nicholas Kuzak
Eleanor Strohl Kuzmarov
George Myron Kuzmarov
Tikam Khushiram Lalla
John Swanton Lambert
Lesley Joan Lane
Mark Aaron Lapedus
Ormond Kennedy Lawson
Timothy Roger Leblovic
Sunda Lee
Anthony David Leibel
Esther Lilian Lenkinski
Patrick Daniel Lennon
Douglas Roy Lent
Mark David Lerner
Michael Leshner
Jonathan Arlen Levin
Edward Nathan Levitt
Richard Martin Lewin
Allan Larry Lipman
Norman Barry Lipson
Joyce Marie Antoni Little
Donald John Livingstone
Gaetano Lo Faso
Bruce Wayne Long
Douglas Joseph Los
James Barton Love
Edward Peter Lustig
Ian Alasdair MacDonald
William Lindsay MacDonald
Donald Virtue Macdougall
Bruce Ellis Machon
Gerald Machtinger
Paul David Mack
Robert Peter MacKinnon
Richard Harry Mahoney
Joseph Paul Roland Malette
Thomas Shane Maloney
Gregory John Mansell
Denise Mary Marchildon
Edmund Nicholas Anthony Marinelli
Thomas John Marlay
Jonathan Howard Marler
Brian Karl Marotta
Lauren Elizabeth Marshall
Richard John Marshall
Eva Elizabeth Marszewski
Robert James Martyn
Richard Gillespie Matthews
David John Maubach
Mariano Mazzucco
Kenneth Francis McCabe
Neil James McCallum
John David McCombs
Barry William McCormack
George Frederick McFadyen
Ross Dallas McGregor
Gregory Michael McGuire
Mary Lynne McIntosh
Donald Alexander McIntyre
Donald Gordon McIntyre
Barbara Alice McIsaac
Richard Craig McIvor
John Daniel McLellan
Allan Hugh McMillan
James Edward McNamara
Micha Jacob Menczer
Sheldon Marvin Meyers
Michael Milan Mihailovich
Michael Martin Joseph Miller
David Jack Moll
George Smith Monteith
Christopher Leslie Moon
Bruce Edwin Morgan
Robert John Morley
Brian Kent Morris
Robert John Morris
Vincent Ross Ignatius Morrison
William Douglas Moull
Gregory Murray Mulligan
Paul Jeffrey Murray
Robert Keith Murray

James Naumovich
Jo-Anne Alice Nicholas
Sheldon Monroe Nisker
Dermot Patrick Nolan
Stephen Barry Norris
David Norwood
Naomi Direnfeld Nurgitz
Geoffrey Plunkett St. George O'Brian
Allan Rodney O'Brien
Michael Patrick O'Dea
John Alexander Olah
James William Oliver
Thomas Gary O'Neill
Marsha Onyett
William Michael Thomas O'Reilly
James Wallace Oxley
Libero Cesare Michele Paci
Robert Wayne Paciocco
Walter James Palmer
Richard William Parisien
George John Parker
Tamara Parschin-Rybkin
Thomas William Patience
Alexander Bruce Patterson
Robert James Patton
Isaac Louis Peck
Maurice Paul Mark Pellarin
Michael James Penman
Brian Terrence Pennell
Murray Jay Perelman
Sheldon Pettle
John David Phillips
Sandra Jean Pigott
Peter Frederick Piroth
Peter John Pitcher
Andre Gerald Poirier
Stephen Ronald Polowin
Alan Barry Polson
Stanley Joel Potter
Harold Ronald Preston
John Jacob Prince
Martin Dan Rabinovitch
Leslie Raine
Allan Abraham Rakowsky
David James Ramsbottom
Norman Scott Rankin
Howard Rash
Ross Arthur Reaburn
Howard Wilfred Reininger
Steven Julian Repa
Graham William Repei
Kenneth William James Rhodes
Mark Abram Richardson
Terry Dennis Richardson
Ronald Mark Richler
Mervin Lorne Riddell
Douglas David Rigsby
Bryan James Robb
George Alexander Robertson
Dale Margaret Ross
John Gordon Ross
Jack Abraham Rotsztain
Kenneth Graham Russell
Charles Francis Ruttan
Juergen Frederick Sagel
Gregory Andrew Ste. Marie
Sante Salvador
William Samis
Edward Yervant Zareh Sarafian
David Ernest Sayeau
Robert Gordon Schipper
Michael Schoenborn
John Milton Lamon Scott
Philip Mark Sheehan
Timothy Roy Sheldon
Clifford Franklin Shnier
Gerald William Sholtack
Donald Edward Short
Josef Jerry Henry Shuman
Mark Nelson Sills
Larry Allan Silverberg
George Eric Sinker
James Holt Smellie
Duncan Bruce Smith

George Douglas Smith
Paul Franklin Smith
Sheryl Ann Smolkin
Thomas Charles Soanes
Stephen Paul Sprague
Ian Christopher Alan Springate
Michael Samuel Steinberg
Margaret Deborah Stewart
Harry Robert Heward Stikeman
Malcolm Anthony Forsyth Stockton
David McClelland Stone
Jon Andries Frank Struyk
Larry Orvle Suffield
Barry James Sullivan
James Douglas Sutton
Jay Arnold Swartz
Eric Brian Switzer
Abram Morris Szpirglas
Peter Thomas Taggart
Kishore Premji Tanna
Douglas Duncan Tannahill
Yuri Tarnowecky
Paul Robert Taylor
Stanley Cecil Tessis
Bruce Earle Thom
Stanley James Thomas
Catherine Clare Thorpe
David Lawrence Todd
John Murray Tonge
Dennis Michael Topp
Thomas Joseph Troyan
Gabriel Theodosios Tsampalieros
William Harry Underwood
Charles Harold Vaillancourt
Richard Teunis Van Dop
Bernard Joseph Varcoe
Stephen Lewis Waisberg
Eric Joseph William Walker
Donald Carr Wallace
Edward Larry Warkentin
Garry Dawson Warren
Margot Ann Warren
Stanley Jackson Wax
Myles Harvey Waxman
Richard Thomas Webb
Patricia Elizabeth Kirkwood Weber
James Roberts Webster
Peter Michael Wechselmann
Robert Napier Weekes
Arthur William Weinreb
Lorraine Eisenstat Weinrib
Howard Weisberg
William Wolfe Berl Weissglas
Robert William Wheatley
Judson David Whiteside
Robert Stuart Whitmore
Henry John Paul Wiercinski
Ginette Alex Weisbord Williams
Donald Woodrow Wilson
James Richard Wilson
Robert Andrew Wilson
Walter Robert Wayne Wilson
Roderick Scott-Watson Winsor
Nikolaus Walther Wolf
Kenneth Peter Wolfson
David Charles Woods
John Michael Woogh
Charles Richard Woolfrey
Bruce Stuart Wormald
Keith Edward Wright
Peter Jeffrey Wright
Ronald Charles Wright
William Forest Wright
David Gordon Yanko
Gerald Bernie Yasskin
James Murray Young
Wayne Douglas Young
Lloyd MacGregor Alan Younger
Donald Alan Zaldin
Mannie Louis Zeller
Bruce Edward Zeran

The Treasurer then conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION ROSE AT 4:00 P.M.

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable G. A. Gale, Chief Justice of Ontario, presiding.

Mr. R. W. Cass presented the candidates to the Chief Justice before whom they took the usual oaths and acknowledged their signatures on the rolls in the presence of the Court.

The Chief Justice addressed the new Barristers.

Read in Convocation and confirmed 18th April, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 18th April, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Beament, Borins, Carthy, Cartwright, Cass, Collins-Williams, Cooper, Evans, Fennell, Goodman, R. J. S. Gray, W. G. Gray, Griffiths, H. E. Harris, Humphrey, Krever, Levinter, Lochead, Maloney, O'Brien, Ogilvie, Pepper, Robins, N. MacL. Rogers, W. P. Rogers, Seagram, Sheard, Shepherd, Sopha, Strauss, Mesdames Sutherland and Tait, and Messrs. Wallace, Williston, Willoughby, and Zahoruk.

MINUTES

The Minutes of Convocation of 20th and 21st March, 1975 were read and confirmed.

THE RIGHT HONOURABLE JOHN GEORGE DIEFENBAKER

The Right Honourable John George Diefenbaker, an Honorary Bencher of the Society, had been invited to be the guest of the Treasurer and Benchers on this date. The Treasurer noted with regret that Mr. Diefenbaker's recent illness had made it necessary for him to cancel his acceptance of the invitation and that he would not be present.

FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

The Treasurer referred to correspondence respecting the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders which is to take place at Toronto in September 1975 and the possible presence of the Palestine Liberation Organization and the position of that organization at the United Nations as official observer which entitles its representatives to attend such functions as the Fifth Congress.

On motions moved, seconded and carried, Convocation determined that the Society rescind its commitment to provide facilities, except educational materials for use outside Osgoode Hall, to the Fifth United Nations Congress on Prevention of Crime and the Treatment of Offenders.

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 10th April, 1975.

The following members were present: Mr. R. W. Cass, Chairman, Messrs. Borins, Cartwright, Cooper, Krever, Lochead and Sheard, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidate having successfully completed the Sixteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

Maureen Shea-DesRosiers

Approved

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

The following applicant sought permission to proceed under Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" for Call to the Bar at the April Convocation:

Marcel Piché — Province of Quebec

The Committee recommended that he be allowed to proceed under Regulation 10 and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor.

DIRECT TRANSFER

The Committee considered an application for direct transfer to practice in Ontario from a Manitoba solicitor who sought permission to proceed under Regulations 3(1) and 4(1) and to attend the teaching portion of the Bar Admission Course in lieu of writing the transfer examination.

The Committee approved the application and recommended that the applicant be advised that he may be called to the Bar and admitted as a solicitor upon successful completion of the teaching portion of the Bar Admission Course.

DIRECT TRANSFER FROM QUEBEC

The Committee considered an application for direct transfer to practice in Ontario from a member of the Quebec Bar who sought permission to proceed under Regulation 4(2).

The Committee approved the application.

BAR ADMISSION COURSE — ADMISSION

The Committee considered two applications for admission to the Bar Admission Course, one from a member of the British Columbia Bar and the other from a graduate of the Faculty of Law of the University of British Columbia. Both applications were approved.

The Committee had before it two applications for permission to vary the articling requirements of the Bar Admission Course. One applicant who is pursuing his practical training for Call to the Bar of Quebec in May asked that his practical training be accepted as satisfying the articling requirements of the Bar Admission Course and that he be permitted to enter the teaching term of the Bar Admission Course in September. The Committee recommended that he be advised that his practical training cannot be accepted as satisfying the articling requirements of the Bar Admission Course and that he must complete the Course including the articling term.

The other applicant who is articled to the Federal Department of Justice in Ottawa requested permission to spend three months of the articling term with the Federal Department of Justice in Yellowknife. The Committee recommended that he be advised that if his principal is prepared to sign the necessary certificate at the completion of his articling term, he will be accepted into the teaching term.

THE REPORT WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Carthy presented the Report of the Legal Education Committee of its meeting on Thursday, 10th April, 1975.

The following members were present: Mr. Horace Krever, Chairman, and Messrs. Borins, Carthy, Cass, Collins-Williams, W. G. Gray, Griffiths, N. MacL. Rogers, Shepherd, White and Willoughby.

DIRECTOR'S REPORT

Dinner for Heads of Sections

A meeting of Heads of Sections will be held on 8th May, 1975, and it is requested that following the meeting, the Law Society entertain the Heads at dinner.

Approved

Examination Results —
Sixteenth Bar Admission Course

The Report of the Director of the Bar Admission Course on the results of the examination of *Maureen Shea-DesRosiers* was before the Committee. The Report showed that the candidate had passed.

Approved

SPECIAL PETITIONS

The Committe had before it three petitions from students in the Bar Admission Course. Consideration of two of the petitions was deferred. The third petition was from a student who sought permission to defer entering the teaching portion of the Bar Admission Course to enable her to accompany her husband, a professor of political science, on an academic leave in the United Kingdom and Europe where he will conduct research and serve a visiting fellowship. The Committee approved this petition.

THE REPORT WAS ADOPTED

Mr. Carthy presented the Report of the Legal Education Committee of its meeting on Monday, 14th April, 1975, for the purpose of considering student petitions arising out of the Sixteenth Bar Admission Course results.

The following members were present: Mr. Horace Krever, Chairman, and Messrs. Carthy and Collins-Williams.

The Committee received petitions from two students. Both appeared before the Committee with their counsel. Submissions were made by both counsel and one student.

Both petitions were denied.

It was moved, seconded and *carried* in Convocation that the decision of the Legal Education Committee be final.

THE REPORT WAS RECEIVED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Maureen Shea-DesRosiers
Marcel Piché (Occasional Appearance)

FINANCE COMMITTEE—Mr. W. G. Gray

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 10th April, 1975.

The following members were present: Messrs. W. G. Gray (Chairman), Cartwright, Fennell, Goodman, H. E. Harris, Ogilvie, Pepper, Sheard and Shepherd.

ROLLS AND RECORDS

Deaths

The following members have died:

Macneil Clarke McLean, Q.C., Toronto (Life Member)	Called — 23 May 1913 Deceased — 13 March 1975
John Alexander Boyd, Toronto (Life Member)	Called — 20 September 1922 Deceased — 7 December 1974
Henri Saint-Jacques, Q.C., Ottawa (Life Member)	Called — 14 August 1916 Deceased — 15 February 1974
Lorne Frederick Gorman, Ottawa	Called — 23 June 1955 Deceased — 14 February 1975

George C. Corston, Peterborough	Called — 18 March 1954 Deceased — March 1975
James Otto Plaxton, Q.C., Aurora	Called — 19 June 1924 Deceased — 1 April 1975
Goldwin Carlett Elgie, Q.C., Toronto (Life Member)	Called — 15 January 1920 Deceased — 4 April 1975

Noted

RESIGNATIONS

John Taylor Ramsay of Calgary applied for permission to resign his membership in the Society and submitted his Declaration in support, as well as a request that he be relieved of the requirement of publication in the Ontario Reports.

John Willis of Halifax applied for permission to resign his membership in the Society. He submitted his Declaration along with a request that he be relieved of the requirement of publication in the Ontario Reports.

Approved

ANNUAL FEES — REQUEST FOR EXEMPTION

Peter Meldrum Brooks of Toronto has been appointed to the Ontario Municipal Board. In view of his appointment, he submitted a request that his membership be placed in abeyance and that he be exempt of the payment of annual fees, including the Compensation Fund levy.

The Committee recommended that Mr. Brooks be advised that the Society has no power to grant his request.

ARREARS OF ANNUAL FEES

Under section 36 of The Law Society Act, if a member fails to pay any fee or levy payable by him to the Society within four months of the day on which payment is due, he is liable to suspension for non-payment. On 26th March 1975, a third Notice of Overdue Fees — 1974-75 was mailed to those members in arrears at that time. Twenty-four members are still in arrears.

The Committee recommended that those members who are still in arrears on 30th April, 1975 be suspended on 1st May, 1975 for a period of one year and from year to year thereafter or until their arrears of fees are paid.

GENERAL MAINTENANCE — 1975

By letter of 17th March, 1975 Mr. Heeney, the Society's architect, made a report detailing the maintenance work recommended for the year 1975 on the Society premises at an estimated overall cost of $20,350.

The Committee recommended that Mr. Heeney be authorized to proceed with the work outlined in his letter.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their Annual Returns for 1974. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules in 1974 and 1975 and which the Libraries and Reporting Committee will consider at its meeting on this date.

In addition, one Association has sent in its Annual Return for 1973. Opposite its name are set out the amount to which it was entitled in 1973 and the amount to which it was entitled in 1974 less the relevant penalty for late filing.

Approved, subject to the approval of the Libraries and Reporting Committee.

BENCHERS ELECTION

Authority is requested for payment of honoraria to scrutineers, Treasurer's representatives and staff in total not to exceed $3,000.

Approved

LAWYER REFERRAL SERVICE

The Special Committee on Lawyer Referral Service having reported to Convocation went out of existence in October 1970. Convocation accepted the Special Committee's recommendation that only lawyers with at least three years' experience in practice be permitted to participate in the Lawyer Referral Service. The basis of this recommendation was that the Society might be considered to be holding them out as having experience in practising in a certain field. This requirement has been criticized both by members of the Bar with less than three years' experience and by senior practitioners. It was raised both in Ottawa and London by the local Law Associations when the service began in each of those cities.

The Committee was asked to consider the matter and make a recommendation to Convocation. The Secretary is of the opinion that the three-year practice requirement is no longer necessary.

The Committee recommended that the requirement be dropped.

CANADIAN LAW INFORMATION COUNCIL

A request for funding has been received from the Canadian Law Information Council. The Council is seeking nominal support from all law societies across Canada.

Noted

APPOINTMENT OF SUB-COMMITTEE ON SALARIES

It was recommended that a Sub-Committee be appointed to review salaries of all present Law Society employees and to recommend to this Committee the salaries to be effective 1st July, 1975. It was recommended that this review be confined to present employees but include positions temporarily vacant which were previously filled and which it is intended to refill immediately; the review would not include positions recently established and already approved but which no one has been engaged to fill. The salaries for these latter positions will be considered as part of the estimates to be made in September.

The following Sub-Committee was recommended: Messrs. Shepherd (Chairman), Cartwright, Pallett and Pepper.

INDEX TO MINUTES OF CONVOCATION

It was recommended that *Mr. G. Johnston* be engaged for one year to prepare a cross-index of the Minutes of Convocation.

The Committee approved the engagement of Mr. Johnston to begin 1st July, 1975.

STAFF RETIREMENT

Mr. Robert Bested has given notice of his intention to retire as of 27th June, 1975. Mr. Bested joined the Law Society on 20th September, 1954, and was 69 years of age on 16th March, 1975.

Noted with regret

THE REPORT WAS ADOPTED

MOTION TO SUSPEND:

ARREARS OF ANNUAL FEES, 1974-75

It was moved, seconded and carried that those barristers and solicitors whose annual fees were still in arrears on 30th April, 1975, be suspended from practice on 1st May, 1975 for a period of one year and from year to year thereafter or until their arrears of fees were paid. Of the 24 members whose names were before Convocation, 17 were suspended on 1st May, 1975. Thirteen were subsequently reinstated and the following four are still suspended:

Roy Henry Chilton, Toronto
John Howard Cooper, Hamilton, Bermuda
Donald Henderson Grant, Fenwick
John Peter Quinn, Toronto

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

Mr. Lochead, Chairman, presented the General Report of the Discipline Committee of its meeting on Thursday, 10th April, 1975.

The following members were present: Mr. G. H. Lochead, Chairman, and Messrs. Bowlby, Carthy, Cartwright, Cass, Chappell, Collins-Williams, Common, Cooper, Evans, R. J. Gray, W. G. Gray, Griffiths, H. E. Harris, Ogilvie, Pepper, Rutherford, Seagram, Shepherd, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. White and Willoughby.

DEPOSIT OF TRUST MONIES

At the February 1975 meeting a sub-committee was appointed to consider the question of whether trust monies can be

a) deposited outside of the Province of Ontario but within the boundaries of Canada;

b) deposited outside of the boundaries of Canada.

The following is (in part) the report of the sub-committee as amended by the Committee:

> "Your sub-committee composed of Mr. Carthy as Chairman and Messrs. Wallace and Seagram, met on Thursday, March 13th, to consider the matter referred to them being

whether or not trust funds can be deposited outside of Ontario and outside of Canada within existing legislation and whether changes in the legislation are appropriate.

. . . . .

Section 18(1) of the Regulation seems to permit depositing of trust funds in a chartered bank anywhere. Your Committee was of the view that the concerns of the Discipline Committee as to control of trust monies could not be enforced outside of the province and that the Law Foundation could not extend its jurisdiction or any agreements beyond the province.

. . . . .

RECOMMENDATION

That the principle be adopted of restricting the deposit of trust monies to Ontario except with the approval of the Society. If the principle is accepted the matter should be referred to the Law Foundation for their concurrence and to the Legislation and Rules Committee to draft an appropriate amendment, that Committee's attention being drawn specifically to Section 18(5) of the Regulation."

The Committee recommends adoption of the sub-committee's report as amended.

COMPENSATION FUND REFEREE

The Chairman reported to the Committee the urgency of appointing another referee. After discussion it was unanimously agreed that The Honourable J. B. Aylesworth would be an excellent choice. Convocation is requested to approve this appointment.

COMPENSATION FUND CLAIM

On January 10th, 1972 a claim was made to the Society's Compensation Fund in the amount of $5,500.00 which sum was apparently lost because of the dishonesty of a solicitor disbarred in 1970. One year later on February 2nd, 1973 the claim was withdrawn due to the fact that the disbarred lawyer in question had made a settlement with the claimant. The settlement was in the form of a promissory note.

The disbarred lawyer has now defaulted on the note. He is without assets and there is little likelihood that it would be productive for the claimant to launch civil proceedings against him. In view of this fact, the claimant wishes to reactivate the claim to the Society's Compensation Fund. To date there has been only one other claim to the Fund respecting the solicitor and an award has been made.

Paragraph 8 of the General Guidelines for the Determination of Grants from the Compensation Fund which were passed on February 15th, 1974 reads as follows:

> "8. Where a claimant has a cause of action against some other person which, if successful, would reimburse the claimant or reduce the amount of his loss and would not be recoverable by such other person from the Fund, the claimant, as a general rule, should be required to take all reasonable steps to effect recovery from such other person before a grant is made from the Fund. It is in the discretion of the Committee whether all reasonable steps have been taken but such discretion should be exercised with the interests of the claimant primarily in mind rather than the protection of the Fund."

The Committee has decided that the applicant does not need to proceed civilly against the former solicitor and has directed that the claim be dealt with in the customary manner.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Lochead, Chairman, presented the Summary of the Compensation Fund for the period ended 31st March, 1975.

COMPENSATION FUND

For the period 1st July, 1974 to 28th February, 1975
(9 months)

TOTAL RECEIPTS	$ 234,424.96
TOTAL DISBURSEMENTS	$ 122,058.38
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 112,366.58
BALANCE OF FUND 1st July, 1974	$1,313,918.82
BALANCE OF FUND 31st March, 1975	1,426,285.40

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st March, 1975	$2,092,458.92
TOTAL PAID to 31st March, 1975 from the commencement of the Fund on account of 909 claims against 92 former solicitors	$3,308,777.44

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Griffiths

Mr. Griffiths, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 9th April, 1975.

The following members were present: John D. Bowlby, Chairman, W. D. Griffiths, Vice-Chairman, and Messrs. Barnes, Chadwick, Cherniak, Cooper, Fairbairn, Ferrier and Levinter.

The following were present by invitation: Ian Cowie, Solicitor, Federal Department of Justice, Ottawa; Dean David Johnston and Professor Bryant, Faculty of Law, University of Western Ontario.

CONTROLLER'S REPORT

Write-offs

The Controller submitted on behalf of the Director a summary of accounts to be written off, totalling $60,852.06 as reviewed and approved by G. E. Wallace, Vice-Chairman.

LEGAL ACCOUNTS OFFICER'S REPORT

At its March meeting the Legal Aid Committee reviewed with the Legal Accounts Officer the backlog of accounts awaiting approval as reflected in the report on the activity of the Legal Accounts Department.

The Committee requested Mrs. A. C. R. Rosenthal to prepare a memorandum with recommendations as to how the backlog might be alleviated.

The Committee has now discussed with the Legal Accounts Officer her recommendations and unanimously approved them. In particular, the Committee endorsed the hiring and training of extra accounts examiners to bring the number of such employees up to fourteen.

RECOMMENDED PROPOSALS FOR CHANGE TO THE LEGAL AID PLAN APPROVED BY THE LAW SOCIETY AND ENDORSED OR DISCUSSED IN THE TASK FORCE REPORT

The Chairman requested the Director to extract from the Task Force Report those items for recommended change with which the Law Society is in basic agreement and which changes can be implemented with governmental approval and, in certain instances, legislative amendments as well.

The Committee reviewed a memorandum dated 2nd April, 1975, setting out pilot projects which the Law Society had recommended to the Department of the Attorney General but which had not been proceeded with due to a pending Task Force Report. The Committee was of the unanimous opinion that certain pilot projects should now be proceeded with subject to the approval of the Attorney General.

In particular the Committee recommended that the Legal Advice and Assistance Project in Peterborough which was to have commenced in October 1973 now be reinstated and that the Hamilton Clinic Pilot Project be extended to Ottawa, London and Windsor. The Committee also urged that the decentralization of the York County Office, as approved by Convocation in May 1974, be commenced.

The Chairman wrote to the Attorney General on 10th April, 1975, asking permission that these three projects commence immediately and reminding the Attorney General of discussions held with his Department with respect to the removal of the "non-disclosure section" of the Legal Aid Regulation and the addition of ten lay representatives to the Legal Aid Committee. It was suggested that the Attorney General also be advised of the need to set up a Public Relations Department within the Legal Aid Plan. Attention was also to be drawn to the fact that the Task Force recommendation that legal aid be granted, in certain instances, to persons involved in class actions and group applications is similar to the recommendation made by the Legal Aid Committee and endorsed by Convocation in December 1973.

BAR ADMISSION COURSE — LEGAL AID PROGRAMME

The Committee reviewed a draft agenda for the 1975-76 Legal Aid Course to be presented in December 1975 to the students of the Bar Admission Course. It is to be noted that this Course will include lectures in poverty law in addition to continuing the lectures formerly given with respect to procedure under the Legal Aid Act and Regulation. The addition of the subject of poverty law is made at the request of the students. The Committee recommended that a sub-committee consisting of W. D. Griffiths and J. J. Carthy be appointed to review with the Provincial Director and the Director of the Bar Admission Course the proposed agenda and its presentation.

DUTY COUNSEL CLINIC — METROPOLITAN TORONTO

John B. Allen, Special Assistant to the Provincial Director, has had a continuing discussion with social workers located at the Willowdale Public Library concerning the establishing of a Duty Counsel Clinic in that location.

The Committee approved the recommendation that a Duty Counsel Clinic be established at the Willowdale Public Library, the posting of Duty Counsel to be made by W. R. Donkin, Area Director, York County.

INTERIM FUNDING OF LEGAL SERVICE PROJECTS

In early April 1975, $1,885,420 became available to the Legal Aid Fund by virtue of interest on solicitors' trust accounts accumulated by the Law Foundation. Of this sum a total of $1,521,000 has been earmarked by the Management Board of Cabinet as part of the funding of ongoing operation of the Ontario Legal Aid Plan for the fiscal year 1975-76. This leaves an unallocated balance of approximately $300,000 for other purposes.

The Legal Aid Committee and Convocation approved in March 1975 the application of Parkdale Community Legal Services for interim funding on a six-month basis for the period commencing 1st April, 1975. The Committee has reviewed other applications for funds and has had discussions with Ian Cowie, Solicitor, Federal Department of Justice, Ottawa.

The Committee recommended that a sub-committee be struck to determine the principles and priorities on which the Legal Aid Committee will receive applications from groups for funding and to establish criteria on which money can be paid out. The Legal Aid Committee must resolve whether it is in the business of giving grants since there is no authority under the existing legislation to pay out money to community service projects. It was noted that discussions would have to be held with the Attorney General and the Committee must never lose sight of the fact that money from interest on trust funds will possibly be earmarked for pilot projects which the Legal Aid Plan may wish to establish.

The Chairman has appointed the following to form a sub-committee:

L. S. Fairbairn, Solicitor, Chairman
L. K. Ferrier, Solicitor
D. J. McCourt, Deputy Director
John B. Allen, Special Assistant to
the Provincial Director

APPOINTMENT OF AREA DIRECTOR, WENTWORTH COUNTY

Walter T. Stayshyn, Solicitor, Area Director, Wentworth County, has been appointed a County Court Judge and sworn in on April 2nd, 1975.

The Committee endorses the recommendation of the Wentworth County Law Association that William Morris now be appointed Area Director.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends that the following be appointed members of the respective area committees:

Kent County
Robert L. McFalls, Solicitor, Chatham
Larry R. Babcock, Solicitor, Chatham

Leeds & Grenville Counties
Lieutenant John Moore, Salvation Army, Brockville

RESIGNATIONS:

Leeds & Grenville Counties
Lieutenant J. B. Girling, Salvation Army, Brockville

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Maloney, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 10th April, 1975.

The following members were present: Mr. F. J. L. Evans (Vice-Chairman acted as Chairman), Mr. H. G. Chappell (Vice-Chairman), Messrs. Bowlby, Carthy, Cartwright, Fennell, R. J. Gray, Krever, Lochead, Ogilvie, Pepper, Seagram and Strauss, Mrs. Sutherland and Mrs. Tait.

1. A member of the profession asked the Committee whether it is proper for him to indicate on his letterhead that he is qualified as a solicitor of the Supreme Courts of England and Hong Kong. The Secretary was instructed to advise that it would not be considered improper for him to do so.

2. The Committee was asked whether it is proper for a person to sign his or her own name on the letterhead of the law firm by whom they are employed

(a) if they are a member of the Bar Admission Course;

(b) if they are employed as a clerk or in some capacity other than that of a lawyer or student member;

without indicating below the signature their position in the firm, i.e., Student, Clerk, etc.

The Committee is of the opinion that a firm may have its letters signed in any manner it may see fit on the understanding that the firm is responsible for the contents of the letters. It should also be borne in mind that the letters should not be drafted in such a way as to imply to the recipient that the person signing the letter is a lawyer when in fact he or she is not.

3. SUB-COMMITTEE ON RULING 16

At the January meeting of the Committee, a sub-committee composed of Mr. John Evans as Chairman and Messrs. Pallett and Wallace was appointed to investigate and report on the use in areas outside of Metropolitan Toronto of the yellow pages of the telephone books. The sub-committee met on several occasions and finalized its report on 21st February.

In its report the sub-committee pointed out that paragraph 3 of Ruling 16 was amended to permit insertions in Yellow pages of more than one telephone book in the Metropolitan Toronto area, and that the sub-committee was formed to determine if any parts of Ontario outside of Metropolitan

Toronto were affected. The sub-committee reported that in its view no problem arises outside Metropolitan Toronto with respect to the use of the Bell Telephone Yellow pages by the profession.

The Committee recommended the adoption of the sub-committee's report.

4. The Committee was asked whether it would be appropriate for law firms to have firm names and the names of the lawyers therein inserted in the Might Directory in bold type in the white page or alphabetical listing of residents and companies in a particular area. The Committee after inspecting the tear sheets from several of the Might directories concluded that the Society's rules do not prohibit such insertions and directed the Secretary to so advise.

5. SUB-COMMITTEE ON CRITICISM OF THE CRIMINAL BAR

The report of the Sub-Committee, after certain amendments were made, was adopted by the Committee, as follows:

> "At the November 1974 meeting the Committee's attention was drawn to an article which had appeared in the October 25th 1974 issue of a Toronto morning newspaper, wherein one of the Society's members who was identified in the article was reported to have said
>
> > 'There are lawyers who make their living almost exclusively making deals with the police. They never try a case — they bargain it. In my view these people are not lawyers they are claims adjusters. The Law Society should be interested in them, but it is not.'
>
> A Sub-Committee composed of Mr. H. G. Chappell as Chairman, Mr. Cartwright and the then Mr. Grange, was appointed to meet with the lawyer to discuss his allegation and to undertake whatever investigation was warranted.
>
> The Sub-Committee met on the 27th of November 1974, all members being present. The lawyer who had been quoted, Mr. Clayton Ruby, was also present by invitation. Although invited to identify all or any of the lawyers referred to, he did not do so. He suggested that clients should be contacted to ascertain how they had been treated. Subsequently, the lawyer advised the Secretary that what he had intended to convey to the meeting was that he had been unwilling to identify the lawyers to whom he had made reference.

The Sub-Committee decided to write to members of the Profession who practice criminal law, requesting any information that they may care to give in connection with the situation that was alleged to exist. Accordingly, letters were sent to members of the Criminal Lawyers Association, the Criminal Law Section of the Canadian Bar Association, the Assistant Crown Attorneys, all of whom practise in the Judicial District of York, and the Provincial Judges (Criminal Division) who sit in this District. The letter advised of the appointment of the Sub-Committee to look into the allegation that had been made and indicated that a meeting was to be held on the 2nd of April at which time any letters received would be considered, and anyone who wished to attend could speak." (The meeting took place as scheduled.)

"After assessing the comment and thought put forward by all those present and what had been earlier said by Mr. Ruby, your Sub-Committee reports that it can find nothing to support the allegation made by Mr. Ruby."

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE —

Mr. H. E. Harris

Mr. H. E. Harris, Chairman, presented the report of the Libraries and Reporting Committee.

The Committee met on Thursday, 10th April, 1975, the following members being present: Messrs. H. E. Harris (Chairman), Borins, Rogers, Mrs. Tait and Miss A. R. McCormick.

GREAT LIBRARY

ACCOUNTS

The financial report for the period ending 31st March, 1975 was approved, subject to the approval of the Finance Committee.

GIFTS AND DONATIONS

Donations were received from Mr. W. G. Gray, Q.C., Toronto (170 loose parts, Canadian Bar Review and University of Toronto Law Journal; and The Canadian Bar Association, Canons of Legal Ethics, 1920, r. 1955); and Mr. P. A. K. Giles, Counsel, United Dominions Corporation (Canada) Ltd., Toronto (30 volumes, being 21 volumes of the Statutes of New Brunswick, 1952-68, 1970-73, and 9 volumes of Halsbury's Laws of England, 3rd. ed.).

CANADIAN LAW INFORMATION COUNCIL

The Committee instructed the Secretary to invite Peter Vivian of the Canadian Law Information Council to the June meeting to explain the Council's position in the production and distribution of the primary sources of Canadian law in microformat and in the establishment of an automated legal information retrieval system comprising a national computerized network.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1974. The amounts of grants payable under the Regulation in 1974 and 1975 are as follows:

	1975	1974
Algoma	$2,000.00	$2,000.00
Brant	2,000.00	2,000.00
Dufferin	750.00	750.00
Essex	2,000.00	2,000.00
Grey	1,603.34	1,610.00
Haldimand	830.00	750.00
Northumberland	1,466.67	1,545.00
Peterborough	2,000.00	1,880.00
Renfrew	1,285.00	1,075.00
Thunder Bay	2,000.00	2,000.00
Waterloo	2,000.00	2,000.00

In addition to the grants above, the Lambton Law Association has sent in its Annual Return for 1973. The amounts of grants payable to it under the Regulation in 1973 and 1974 are as follows:

	1974	1973
Lambton	$1,845.00	
Less 10% for late filing	184.50	
	$1,660.50	$2,200.00

Approved, subject to the approval of the Finance Committee.

REPORTING

ARTICLED LAW STUDENTS RECEIVING ONTARIO REPORTS

The Committee recommended that the fee paid by articled law students for the Ontario Reports remain at $12.

SUMMARY OF RECENT FEDERAL AND ONTARIO LEGISLATION

The Committee recommended that the Legal Education Committee be asked to reconsider its decision to discontinue the above project because the staff of the Great Library is prepared to attempt a similar project in a less expensive format to be sent out to the profession.

WESTERN LEGAL PUBLICATION LTD. — REPORTING SERVICE FOR UNREPORTED DECISIONS

The Committee recommended that Mr. Frederick Brown be invited to the June meeting of the Committee to discuss his reporting service and his request for financial and other assistance from the Society.

PROPOSED ADVERTISEMENT IN THE ONTARIO REPORTS

The Committee recommended that the advertisement submitted by the World Conference of Ukranian Students to be placed in the Ontario Reports not be approved because of the policy of the Society that advertisements are restricted to matters directly concerning the practice of law. The Secretary was instructed to inform Canada Law Book Limited that the full-page advertisement submitted by Amnesty International concerning the release of a Russian mathematician does not comply with the above policy.

Mr. Cartwright was not present, took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Strauss, Chairman, presented the Report of the Unauthorized Practice Committee.

The Committee met on Thursday, 19th April, 1975, the following members being present: Messrs. Strauss (Chairman), Fennell (Vice-Chairman), Cartwright, Cass, Cooper and White.

The Committee authorized the Chairman to obtain counsel for the Society with a view to investigating and, if necessary, prosecuting an individual for holding himself out in a Provincial Court as a solicitor, contrary to Section 50 of The Law Society Act.

The Committee recommended that the Secretary discuss with counsel for the Society the evidence respecting two divorce service companies that appear to be continuing their unauthorized practice activities contrary to Section 50 of The Law Society Act, with a view to obtaining the necessary affidavits on which to base applications for injunctions to the Supreme Court of Ontario.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. Sheard, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest.

The Special Committee met on Thursday, 10th April, 1975, the following members being present: Mr. Sheard, Chairman, and Messrs. Cass, Pepper and Shepherd.

Three applications for grants were reviewed; two grants were authorized.

THE REPORT WAS ADOPTED

APPOINTMENT TO SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

The Treasurer appointed Mr. G. E. Wallace a member of the Special Committee on Errors and Omissions Insurance.

NOTICE OF MOTION

Mr. Zahoruk gave notice that at the regular Convocation in May, he would move as follows:

> BE IT RESOLVED that the meetings of Convocation commencing in June of 1975, be "open" to all the members of the Law Society of Upper Canada and that a suitable meeting room be provided to accommodate the Benchers and those members wishing to attend.

CONVOCATION ROSE AT 11:50 A.M.

Read in Convocation and confirmed 16th May, 1975.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

(ABRIDGED)

Thursday, 24th April, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Carthy, Cartwright, Common, Goodman, W. G. Gray, Griffiths, Humphrey, Krever, O'Brien, Pepper, Robins, N. MacL. Rogers, Sheard, Strauss, Mesdames Sutherland and Tait, and Messrs. White and Zahoruk.

ELECTION OF BENCHERS, 1975

The Secretary laid before Convocation his Certificate made under Rule 14 of The Law Society Act, certifying the persons elected as Benchers.

Pursuant to Rule 15 of The Law Society Act, the Secretary presented the following Report dated 23rd April, 1975:

The following members have been elected Benchers under Section 15 of The Law Society Act:

Within Metropolitan Toronto:

1. Arthur Edward Martin Maloney
2. Wilson David Griffiths
3. Austin Morley Cooper
4. Walter Bernard Williston
5. Edwin Alan Goodman
6. Horace Krever
7. Nathan Strauss
8. George Duncan Finlayson
9. Stephen Borins
10. Philip Barry Chaytor Pepper
11. David Gondran Humphrey
12. Robert Johnson Carter
13. Wesley Gibson Gray
14. James Joseph Carthy
15. Richard Elias Shibley

Outside Metropolitan Toronto:

1. John Douglas Bowlby
2. Gordon Fripp Henderson
3. Peter Bourdon Tobias
4. Ronald William Cass
5. Stanley Elmer Fennell
6. Roger Elias Salhany
7. Harry William Zahoruk
8. Gordon Henry Taylor Farquharson
9. Francis John Lewis Evans
10. Lester Stuart Willoughby
11. James Dalziel Carnwath
12. Albert Edwin Shepherd
13. Burton Harris Kellock
14. George Herbert Lochead
15. John Gerald Michael White

Within Metropolitan Toronto: (Continued)	*Outside Metropolitan Toronto: (Continued)*
16. Richard Ian Cartwright	16. Patrick Garret Furlong
17. Laura Louise Legge	17. John Cameron Pallett
18. Allen Martin Linden	18. George Ernest Wallace
19. Robert John Stevens Gray	19. Charles Joseph Seagram
20. John Dawson Ground	20. James Barton Chadwick

Attached hereto is a complete list of those who stood for election in the order of their standing following tabulation of the ballots cast.

The voters' list, made in accordance with Rule 9 in January, 1975, contained the names of 8,701 members entitled to vote in the election and the names of 306 student members. Three members on the voters' list died before ballots were mailed, one student member failed and thirteen student members did not pay their fee for Call to the Bar in time. The remaining 8,990 members and student members were entitled to vote.

At the close of nominations on the 17th of March, 117 members had been properly nominated, 80 from Metropolitan Toronto and 37 from outside Metropolitan Toronto.

On or about the 31st of March two ballots were mailed to each voter with inner and outer return envelopes. Voting ended on the 17th of April and the following day in the presence of the scrutineers the outer envelopes bearing the voters' names were separated from the inner envelopes containing the ballots. Later the ballots were taken out and the votes recorded on punch cards and the information from them transferred to computer tape which was processed on April 23rd.

There were 6,057 ballots properly cast for members in Metropolitan Toronto and 5,948 cast for members from outside Metropolitan Toronto. There were 47 spoiled ballots. 48 election envelopes received were unsigned and were neither opened nor counted. Eight election envelopes, although signed, could not be read or identified and were rejected. Four election envelopes, containing photocopies of ballots, were rejected and not counted. 365 election envelopes were received between the 17th and 23rd of April, 1975 and were neither opened nor counted. 9 election envelopes were received from persons who were not entitled to vote. These were rejected. 21 ballots for members in Metropolitan Toronto contained no votes and 99 ballots for members from outside Metropolitan Toronto were unmarked.

Wednesday afternoon, the 23rd of April, the scrutineers reported to the Secretary the names of the twenty persons within Metropolitan Toronto and the twenty persons outside Metropolitan Toronto who received the highest number of votes and the Secretary forthwith certified them as having been elected as Benchers.

ATTACHMENT:

THE LAW SOCIETY OF UPPER CANADA

CANDIDATES — METROPOLITAN TORONTO

Column 1

Maloney, Arthur E. M., Q.C.
Griffiths, W. David, Q.C.
Cooper, Austin M., Q.C.
Williston, Walter B., Q.C.
Goodman, Edwin A., Q.C.
Krever, Horace, Q.C.
Strauss, Nathan, Q.C.
Finlayson, George D., Q.C.
Borins, Stephen
Pepper, Barry, Q.C.
Humphrey, David G., Q.C.
Carter, Robert J.
Gray, W. Gibson, Q.C.
Carthy, James J., Q.C.
Shibley, Richard E., Q.C.
Cartwright, Ian
Legge, Laura L., Q.C.
Linden, Allen M., Q.C.
Gray, R. J.
Ground, John D., Q.C.
Brulé, J. Albert, Q.C.
Bynoe, B. Clive, Q.C.
Chappell, Hyliard G., Q.C.
Rogers, Norman MacL., Q.C.
Montgomery, Robert S., Q.C.
Outerbridge, Ian W., Q.C.
Rutherford, Robert C., Q.C.
Pomerant, Joseph B., Q.C.
Ruby, Clayton C.
Steele, Donald R., Q.C.
Orkin, Mark M., Q.C.

Column 2

Pickett, Paul B., Q.C.
Crane, J. Douglas, Q.C.
Hull, Rodney, Q.C.
Stone, Arthur J., Q.C.
Kerr, H. C., Q.C.
Benson, Philip W., Q.C.
Perry, Lloyd W., Q.C.
Isaac, Elmer J., Q.C.
Robertson, Ronald N., Q.C.
Cooper, Gordon E.
Evans, Lance S., Q.C.
Sexton, J. Edgar
Goldenberg, Joseph C., Q.C.
Rosenberg, Alvin B., Q.C.
Harris, Monte H., Q.C.
Bergel, Hyman
Greenglass, Morton
Brown, Constance M.
Doane, J. J.
Weisdorf, John
Margles, Harold
Fairbairn, Lyle S.
Austin, James W.
Horkins, William E., Q.C.
McKeag, T. B. Oliver, Q.C.
Krivy, Boris
Alexandrowicz, George W.
Deakon, Walter C.
Dunn, Brian A.
Reiter, Moishe
Swaigen, John Z.

Column 1 (Continued)

Walsh, George T., Q.C.
Rogers, William P., Q.C.
Shuber, Simms, Q.C.
Pepper, Elliott R., Q.C.
Parkinson, John G., Q.C.
MacMillan, Charles F., Q.C.
Woolicombe, C. Edward, Q.C.
Hately, George W., Q.C.
Berlis, Douglas A., Q.C.

Column 2 (Continued)

Medcof, John C.
Keith, Anthony, Q.C.
Naftolin, Stanley
Hemmerick, William J., Q.C.
Eastman, Bernard L.
May, Lloyd A., Q.C.
Rosen, John M.
Shields, Altor L.
Lamb, Benjamin, Q.C.

CANDIDATES OUTSIDE METROPOLITAN TORONTO

Column 1

Bowlby, John D., Q.C.
Henderson, Gordon F., Q.C.
Tobias, Peter B., Q.C.
Cass, Ronald W., Q.C.
Fennell, Stanley E., Q.C.
Salhany, Roger E.
Zahoruk, Harry W.
Farquharson, Gordon H. T., Q.C.
Evans, F. John L., Q.C.
Willoughby, L. Stuart, Q.C.
Carnwath, James D., Q.C.
Shepherd, Albert E., Q.C.
Kellock, Burton H., Q.C.
Lochead, George H., Q.C.
White, John G. M., Q.C.
Furlong, Patrick G., Q.C.
Pallett, John C., Q.C.
Wallace, George E., Q.C.

Column 2

Seagram, Charles J., Q.C.
Chadwick, James B.
McWilliams, Peter K. E., Q.C.
Guthrie, Hugh, Q.C.
Chilcott, W. Dan, Q.C.
Harris, H. Egerton, Q.C.
Maloney, Anthony W., Q.C.
Shaffer, Bernard, Q.C.
Craig, McLeod A., Q.C.
Wiacek, Joseph M.
Evans, Gerard C., Q.C.
Noble, C. Bruce, Q.C.
Bailey, William H. C.
Gorsky, Morley R.
Richmond, Edward, Q.C.
Perras, Robert, Q.C.
Lawson, Donald M., Q.C.
McDonald, Hugh R. J.
Cwinn, Sidney V.

THE REPORT WAS RECEIVED

CONVOCATION ROSE AT 10:15 A.M.

Read in Convocation and confirmed 16th May, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th May, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Borins, Bowlby, Carnwath, Carrier, Carter, Cartwright, Cass, Chadwick, Common, Cooper, Evans, Farquharson, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, W. G. Gray, Griffiths, Ground, Humphrey, Kellock, Krever, Mrs. Legge, Messrs. Linden, Lochead, Maloney, Pallett, Pepper, Salhany, Seagram, Sheard, Shepherd, Shibley, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace, White and Zahoruk.

MINUTES

The Minutes of Convocation of 18th April, 1975 and of Special Convocation of 24th April, 1975 were read and confirmed.

BENCHER EX OFFICIO

Mr. Terence Sheard, having qualified in January 1974 under Section 12(1) of The Law Society Act, informed the Secretary of his decision to become a Bencher ex officio.

APPOINTED BENCHERS

The Treasurer informed Convocation that Mr. J. D. Carrier, Mr. Noel Ogilvie, Mrs. Roseanne Sutherland and Mrs. Reginae M. Tait, the four benchers appointed in November 1974 pursuant to Section 23a of The Law Society Act by the Lieutenant Governor in Council, had been reappointed by Her Honour on 14th May, 1975, the appointments to take effect at the next regular Convocation following the election of benchers and continue until new benchers elected in the year 1979 take office.

SPECIAL COMMITTEE ON EMPLOYMENT OF BENCHERS

The Treasurer referred to the long-standing policy that benchers cannot be salaried employees of the Law Society and to the fact that two of the newly elected Benchers are area directors under the Legal Aid Plan and as such salaried employees of the Society.

It was moved by Mr. Lochead, seconded by Mr. Griffiths, that a Special Committee be appointed by the Treasurer to consider and report on the employment of benchers by the Society.

Carried

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. Bowlby, Chairman, presented the Report of the Legal Aid Committee.

The Committee met on Thursday, 8th May, 1975, the following members being present: John D. Bowlby, Chairman, and Messrs. Barnes, Borins, Cass, Chadwick, Cooper, Fairbairn, Ferrier, Finlayson, Griffiths and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of March, 1975.

CONTROLLER'S REPORT

(a) The Controller submitted the Director's report pursuant to Section 96 of the Regulation for the year ended March 31st, 1975. This report summarizes the statistical and financial performance of the Ontario Legal Aid Plan for its eighth fiscal year of operation.

(b) The Controller submitted a Statistical Report for the twelve-month period ended March 31st, 1975.

(c) *Write-offs*

The Controller submitted on behalf of the Director a summary of accounts to be written off totalling $65,154.61.

(d) *Backlog of Accounts*

At its meeting in April 1975, the Committee recommended and Convocation approved the hiring of legal accounts examiners for the Legal Accounts Department to eliminate the backlog of accounts. However, it was subsequently noted that to bring the payment of accounts to a current basis this could have an implication of adding approximately three million dollars to the budget for the fiscal year 1975-76. The Legal Accounts Officer has raised the issue as to what is acceptable in the term of a time lag between the receipt of a solicitor's account and its final payment from the Fund.

The Committee reviewed the problem and authorized the Legal Accounts Officer to hire on accounts examiner subject to the approval of the Ministry of the Attorney General. The addition of one accounts examiner is an interim step in resolving the problem of reducing the backlog of accounts.

LEGAL AID AREAS

At present there are 46 Area Directors' offices in the Province. All but the Area Director in York County, retained full time, serve on a part time basis. The Area Director's office as a general rule is located in the County or District Town. The Area Directors are practising solicitors except in Dufferin, Haldimand, and Lennox and Addington Counties, where the Area Director is or has been the Local Registrar, S.C.O.

In the Summary of Major Recommendations of the Task Force Report, recommendation 84 reads:

> "Existing areas should continue but there should be a review of boundaries with a view toward consolidation where feasible."

The Director reviewed with the Committee the feasibility of appointing an Area Director to administer the plan in adjoining legal aid areas, and in the following:

(a) *Perth and Middlesex*

The Director recommended to the Committee that Gretta

J. Grant, Area Director, Middlesex County, be appointed Area Director for Perth County in addition to her duties and responsibilities as Area Director for the County of Middlesex. If this is acceptable, Mrs. Grant has agreed to assume such responsibilities. It is suggested that Mrs. Grant's retainer be increased to compensate for her extra responsibilities.

(b) *Grey and Bruce*

The Director recommended to the Committee that J. C. McCubbin, Area Director, Grey County, be appointed Area Director of Bruce County in addition to his duties and responsibilities as Area Director of the County of Grey. If this is acceptable, Mr. McCubbin has agreed to assume such responsibilities. It is suggested that Mr. McCubbin's retainer be increased to compensate for his extra responsibilities.

The benefits to the Plan from these recommendations are not only in financial savings of approximately $10,000 per annum but much more significantly in the area of uniform delivery of services to the public. The latter has been emphasized not only in the Task Force Report but also referred to in the reports of the Attorney-General's Advisory Committee.

RECOMMENDED PROPOSALS FOR CHANGE APPROVED BY THE LAW SOCIETY AND ENDORSED AND/OR DISCUSSED IN THE TASK FORCE REPORT

At its meeting on 9th April, 1975, the Legal Aid Committee reviewed those items from the Task Force Report recommending change with which the Law Society is in basic agreement and which changes can be implemented with Government approval and in certain instances legislative amendments.

The Chairman wrote the Attorney General on 10th April and on 28th April, the Attorney General replied as indicated below:

> "(1) *The Peterborough Project*:
>
> This project, having been commended by the Task Force should be proceeded with, subject of course to any financial issues which might arise from the updating of the cost of the proposed project."

The Committee was of the opinion that the Chairman should form a sub-committee under the chairmanship of Lyle S. Fairbairn to immediately initiate this project.

"(2) *Decentralization of York County*:

> I agree that this proposal should be implemented. . . ."

Mr. W. R. Donkin, Area Director, York County Office, advised the Committee that he was in a position where he could propose the location and formation of three satellite offices in Newmarket, Scarborough and Etobicoke.

"(3) *Lay Representation on the Legal Aid Committee*:

> I see no reason why this proposal should not proceed. I am inclined to the view that these appointments should be made by the Lieutenant Governor in Council and I would appreciate receiving from the Law Society a list of nominees for consideration."

The Committee proposes to compile a list of Social Services Agencies throughout the Province which agencies could be requested to put forward names of nominees to form a list from which the Attorney General may select lay representatives.

"(4) *Repeal of Non-disclosure Provisions*:

> You point out that this has been recommended by the Legal Aid Committee, approved by Convocation, and recommended by the Task Force. I agree that it should be proceeded with."

The report of the Committee adopted by Convocation on February 9th, 1974, read as follows:

> "It is recommended that Section 25 of the Act and Section 137 of the Regulations be amended to provide as follows:
> *Section* 25(a): Subject to subsection (b) of this Section, all communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, and any employee of the Legal Aid Plan or the Department of Community and Social Services, on the one hand, and an applicant for [or] a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications.

(b) The following shall not be privileged:

i. The fact that a person has applied for or been granted a Legal Aid Certificate;

ii. The point which an application for a Certificate has reached in the administrative process; and

iii. The terms of the financial agreement in effect between the applicant and the Legal Aid Plan.

Section 137(a): Subject to subsection (b) of this Section, no information furnished by or about an applicant for, or a recipient of legal aid shall be disclosed other than as may be necessary for the proper performance by any person of his functions under the Act and this Regulation.

(b) The following information may be disclosed:

i. The fact that a person has applied for or been granted a Legal Aid Certificate;

ii. The point which an application for a Certificate has reached in the administrative process; and

iii. The terms of the financial agreement in effect between the applicant and the Legal Aid Plan."

The Committee on reviewing its report of February, 1974 requests Convocation to amend its recommendations by deleting paragraph (iii) from the proposed Section 25(b) and by deleting paragraph (iii) from the proposed Section 137(b).

The Committee is now of the opinion that financial information on a legal aid applicant should be privileged.

"(5) *Class Actions and Group Applications*:

Although these subjects have been dealt with by your sub-committee and by the Task Force, they involve rather fundamental issues of policy and should in my view be held in abeyance pending the Government's determination of its overall policy regarding the Task Force recommendations with respect to coverage."

The Committee noted the Attorney General's comments.

"(6) *Public Relations Department*:

This proposal should in my view be held in abeyance pending determination of the Government's position regarding the overall administration of the Legal Aid Plan. However, I do not suggest that this should in any [way] inhibit the development of an advertising and information programme and I assure you of my support of adequate funding of any detailed proposal in this regard."

The Committee noted the Attorney General's comments.

"(7) *Bad Debts*:

I am inclined to agree with the recommendations of the Task Force regarding the writing off of bad debts and I propose to review this matter with Management Board."

The Committee noted the Attorney General's comments.

"(8) *Panel Systems*:

I would like you to direct your early attention to the Task Force proposals for amending the panel lists to provide more information to the public. I recognize that you will face a problem in providing information about specific lawyers on the panel without appearing to steer the applicants and I am concerned that we approach this problem from a functional point of view. I would appreciate your detailed recommendations as to how this may be achieved to best serve the interests of the public while at the same time safeguarding the professional canons which are related to this issue."

The Committee recommended that a discussion on amending the panel list be set over to the June meeting.

INTERIM FUNDING OF LEGAL SERVICE PROJECTS

In early April 1975, $1,885,420 became available to the Legal Aid Fund by virtue of interest on solicitors' trust accounts accumulated by the Law Foundation. Of this sum a total of $1,521,000 has been earmarked by the Management Board of Cabinet as part of the funding of ongoing operation of the Ontario Legal Aid Plan for the fiscal year 1975-76. This leaves an unallocated balance of approximately $300,000 for other purposes.

The Legal Aid Committee and Convocation approved in March 1975 the application of Parkdale Community Legal Services for interim funding on a six-month basis for the period commencing April 1st, 1975. The Committee reviewed other requests from Community Service Organizations for funding.

The sub-committee that was appointed to determine the principles and priorities on which the Legal Aid Committee will receive applications from groups for funding and to establish criteria on which money can be paid out has been reconstituted as follows:

L. S. Fairbairn, Chairman
James J. Carthy
Austin M. Cooper
L. K. Ferrier
John B. Allen
D. J. McCourt

The sub-committee has been requested to submit a report at the Commitee's June meeting.

COMPOSITION OF LEGAL AID COMMITTEE

Rule 47(1) made under The Law Society Act reads as follows:

> "47.(1) There shall be a standing committee of the Society known as the Legal Aid Committee composed of not less than twelve members of whom at least two-thirds, including the chairman and vice-chairman, are benchers and the remainder are members of the Society who are not benchers."

To facilitate the addition of lay representatives your Committee recommends that the Rule be amended to read as follows:

> "47.(1) There shall be a standing committee known as the Legal Aid Committee composed of no more than 30 members who shall be appointed annually, 20 of whom including the chairman or chairwoman and vice-chairman or vice-chairwoman shall be members of The Law Society of Upper Canada appointed by Convocation. Ten members shall be lay persons appointed by the Lieutenant Governor in Council."

FOUNDATION FOR LEGAL RESEARCH — LEGAL AID STUDY

The Chairman advised the Committee that the Treasurer has recommended that since the Foundation for Legal Research is committed to undertaking the comparison of legal aid plans in Canada, John D. Bowlby and Lyle S. Fairbairn, Chairman of the Legal Aid Committee and non-bencher member of the Committee respectively, be recommended as members of the Foundation's Planning Committee from the Province of Ontario.

CANADIAN COUNCIL ON SOCIAL DEVELOPMENT — CONFERENCE ON LEGAL AID

On May 30th and June 1st, 1974 the Canadian Council on Social Development organized and sponsored a Conference on Legal Aid in Levis, Quebec, when it was decided that the Council should continue an ongoing liaison between various legal aid programmes and work toward a method of exchanging information. The Council is holding its second Conference in Victoria on June 11th, 12th and 13th, 1975.

PROVINCIAL DIRECTORS' MEETING

The second National Conference of Provincial Directors will be held in Victoria, British Columbia, on Tuesday, June 10 and Wednesday, June 11, 1975, under the chairmanship of Judge Robert Sauvé, Quebec.

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, the Committee recommends that the following be appointed members of the following area committee:

Lanark County

M. J. Galligan, Solicitor, Almonte
K. B. Bruun, Solicitor, Carleton Place
N. D. Dixon, Solicitor, Smiths Falls
G. R. Dulmage, Solicitor, Perth
J. E. Willson, Solicitor, Perth

THE REPORT WAS ADOPTED

MOTION — RULE 47(1)

In pursuance of the recommendation in that regard in the Report of the Legal Aid Committee, it was moved, seconded and carried that Rule 47(1) be amended to read:

There shall be a standing committee known as the Legal Aid Committee composed of no more than 30 members who shall be appointed annually, 20 of whom including the chairman or chairwoman and vice-chairman or vice-chairwoman shall be members of the Law Society of Upper Canada appointed by Convocation. Ten members shall be lay persons appointed by the Lieutenant Governor in Council.

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented the following item from the Report of the Admissions Committee:

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

At its meeting on 8th May, 1975, the Committee recommended that *Francois Mercier* of the Province of Quebec be allowed to proceed under Section 10 of the Regulation concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor.

THIS PORTION OF THE REPORT WAS ADOPTED

CALL TO THE BAR

Francois Mercier was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer.

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Krever, Chairman, presented the Report of the Legal Education Committee.

The Committee met on Thursday, 8th May, 1975, the following members being present: Mr. Horace Krever, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cass, Collins-Williams, W. G. Gray, Griffiths, N. MacL. Rogers, Shepherd and Willoughby.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Premises for Ottawa Bar Admission Course

A delegation consisting of Mr. Albert Shepherd, Mr. George Collins-Williams, Mr. Arthur Heeney and the Director will be attending in Ottawa on 6th May to consider proposals in this regard.

Noted

Faculty Appointments (Ottawa)

It is recommended that the following faculty appointments be made for the teaching term which commences September 8th, 1975:

James B. Chadwick — Senior Instructor for the Legal Aid Section

Gerald Morin — Senior Instructor for the Civil Procedure I Section

Charles E. O'Connor — Senior Instructor for the Corporate and Commercial Law Section

Approved

THE REPORT WAS ADOPTED

Mr. Krever presented the Report of the Legal Education Committee of its meeting on 16th May, 1975.

The following members were present: Mr. Horace Krever, Chairman, and Messrs. Borins, Collins-Williams and W. G. Gray.

A Report of the Director of the Bar Admission Course regarding premises for the Ottawa Section was before the Committee.

The Committee recommended that space for the Ottawa Section of the Bar Admission Course be secured for the ensuing term in the Woodroffe Campus of Algonquin College on the terms set forth in the letter of 15th May,1975, from J. G. M. Hooper, the Society's solicitor in the matter.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. W. G. Gray

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 8th May, 1975.

The following members were present: Mr. W. G. Gray (Chairman), Cartwright, Levinter, Ogilvie, Pepper, Shepherd, Trepanier and Wilson.

Rolls and Records

Deaths

The following members have died:

William Stuart Forrester, Paisley	Called — 17 November 1938 Deceased — 9 March 1975
Edmund Wilkes Burke, Orillia	Called — 21 September 1933 Deceased — 15 April 1975
Robert Adair Davies, Q.C., Toronto	Called — 29 June 1950 Deceased — 18 April 1975
George Young Clement, Q.C., Wallaceburg	Called — 16 November 1939 Deceased — 19 April 1975
Charles John Frederick Ross, Q.C., London	Called — 20 November 1930 Deceased — 2 May 1975
Archibald Otis Grass, Q.C., St. Catharines (Life Member)	Called — 24 November 1921 Deceased — 30 April 1975
The Honourable Edward Anderson Richardson, Q.C., Alton (Life Member — former Judge of the Supreme Court of Ontario)	Called — 19 May 1921 Deceased — 23 April 1975

Noted

RESIGNATION

Surya Prakash Sinha of New York applies for permission to resign his membership in the Society and submits his Declaration in support.

The Committee recommended that Mr. Sinha be permitted to resign.

LIFE MEMBERS

Since March 1974, fully retired members have not been required to file auditor's reports or applications for exemption under the Errors and Omissions Insurance Plan. They continue to apply for an annual certificate of membership and in that connection file a declaration of non-practice.

The Secretary recommended that Life Members who are fully retired be put in the same position.

Approved

CHANGES OF NAME

Walter Ulrich Roetzsch, a solicitor practising in Kitchener, requests that his name be changed on the Rolls of the Society to Walter Ulrich *Roetsch.* A copy of the Order of His Honour Judge Sutherland was before the Committee.

Janice Karen Roth, a student member, requests that her name be changed on the Rolls of the Society to Janice Karen *Azoulay,* her married name. A copy of her Marriage Certificate was before the Committee.

Approved

ERRORS AND OMISSIONS INSURANCE PLAN — ARREARS

By letter dated 29th April 1975, those members of the Soicety who had not complied with the requirements respecting the Errors and Omissions Insurance Plan were advised that unless they had paid the insurance levy or filed an application for exemption by the 7th of May 1975, their names would be placed before the next meeting of the Finance Committee and that their rights and privileges would be subject to suspension at the next Convocation thereafter.

Approximately 300 members still have not complied with the requirements.

The Committee recommended that those who have not complied by the 12th June 1975 be suspended on 20th June, 1975.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their Annual Returns for 1974. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules in 1974 and 1975 and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

INSURANCE — VALUATIONS

A schedule showing the amount of the annual revaluation of building and contents for insurance purposes was before the Committee.

Approved

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented the Report of the Finance Committee of its meeting on 16th May, 1975.

The following members were present: Messrs. W. G. Gray (Chairman), Fennell, Krever and Pepper.

LEGAL EDUCATION COMMITTEE

The Committee recommended approval of the recommendation made by the Legal Education Committee at its meeting earlier today that space for the Ottawa Section of the Bar Admission Course be secured for the ensuing term in the Woodroffe Campus of Algonquin College on the terms set forth in the letter of 15th May, 1975, from J. G. M. Hooper, the Society's solicitor in the matter.

LEGAL MEETINGS AND ENTERTAINMENTS

Association of Trial Lawyers of America

The Committee recommended that a fête be held in the grounds of Osgoode Hall on 27th July, 1975, for the members of the above Association and their guests.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

ANNUAL SUMMARY

Mr. Lochead, Chairman, presented the Annual Summary of the activities of the Discipline Committee during 1974.

During the year 1974 the Discipline Committee dealt with 1,148 matters, either in whole or in part.

The Committee met during the year 1974 for a total of thirty-five and one-half days to deal with discipline matters and two and one-half days to deal with Compensation Fund matters.

At the beginning of 1974 there were still fifteen formal Complaints pending from 1973. During the year 1974 fifty-nine formal Complaints were served upon members of the Society and these together with the fifteen pending from the previous year were disposed of as follows:

5 — Disbarments
2 — Permitted to Resign
4 — Suspended
4 — Reprimanded in Convocation
8 — Reprimanded in Committee
3 — Admonished
3 — Withdrawn
20 — Not Established
2 — Not Proceeded with
1 — Loss of Jurisdiction
22 — Matters Pending

74

Also: 18 — Invitations to Attend before Discipline Committee
1 — Invitation to Attend — Pending
—
19

1,055 questions as to lawyers' conduct from members of the public and the profession were considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Discipline Committee. Some 225 of these complaints were without basis. The remainder of the complaints were categorized as set out below. It is to be noted that in some instances a complaint falls into two or more of the categories

Nature of Complaints

Solicitor's failure to fully explain transaction	209
Solicitor's delay with justification	179
Solicitor's delay without justification	125
Client's complaint about fees	154
Allegations that solicitors were negligent	70
Any other question of law	169
Solicitor's failure to honour an undertaking	8
Complaints of misrepresentation, i.e., failure of solicitor to follow instructions or solicitor deliberately deceiving client but which would not constitute negligence	20
Complainant not represented by solicitor complained about and needed to be advised of rights; complainant advised to ascertain rights	40
Solicitor's failure to meet financial obligations as envisaged by Ruling 32 of the Rules of Professional Conduct	23

Seventy-five complaints were made by lawyers against other lawyers. Twenty-six complaints were referred to members of the Committee for consideration.

. . . .

Paid out of the Compensation Fund in 1974:

Total Grants	$ 80,310.81	
Counsel fees, reporters, transcripts, etc.	6,936.85	$ 87,246.66

Paid out of the General Discipline Account:

Trustees' Fees pursuant to s. 43(1)		$ 6,880.42	
Investigation by Outside Auditors		7,064.70	
Private Investigators		2,902.80	
Outside Counsel Fees		34,413.83	
Reporters		4,050.75	
Miscellaneous (witnesses, conduct money, photocopy, printing, advertising, etc.)		4,853.09	
Society's Auditor:			
Salaries (including Auditor's staff, administrative personnel, placement agency fees, extra help)	$167,827.40		
Travelling Expenses	2,601.61	170,429.01	
		$230,594.60	
Less: Discipline Expenses Recovered		18,275.97	$212,318.63

THE ANNUAL SUMMARY WAS RECEIVED

COMPENSATION FUND SUMMARY

Mr. Lochead, Chairman, presented the Summary of the Compensation Fund for the period ended 30th April, 1975.

COMPENSATION FUND

For the Period 1st July, 1974 to 30th April, 1975
(10 months)

TOTAL RECEIPTS	$ 257,417.41
TOTAL DISBURSEMENTS	122,138.38
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 135,279.03
BALANCE OF FUND 1st July 1974	1,313,918.82
BALANCE OF FUND 30th April, 1975	$1,449,197.85

Resume of Gross Claims Outstanding

Claims Received and in the course of being processed as of 30th April, 1975	$2,202,204.50
Total Paid to 30th April, 1975 from the commencement of the Fund on account of 909 claims against 92 former solicitors	$3,308,777.44

THE SUMMARY WAS RECEIVED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Evans, Vice-Chairman, presented the Report of the Professional Conduct Committee.

The Committee met on 8th May, 1975, the following members being present: Messrs. Maloney (Chairman), Evans (Vice-Chairman), Cartwright, R. J. Gray, Griffiths, Humphrey, Krever, Lochead, Ogilvie, Pepper, Seagram, Strauss, Mrs. Sutherland and Mrs. Tait.

Chargex

At its January 1974 meeting, the Committee was asked to consider the propriety of members of the profession accepting Chargex or other credit cards in payment of accounts rendered to their clients. At that time the Committee was of the opinion that it would be unprofessional for law offices to offer Chargex or similar systems to clients as a means of paying accounts.

The Committee reviewed its previous opinion and came to the same conclusion, namely, that it would be unprofessional for Chargex or other credit cards to be used.

Ruling 3

A lawyer has informed the Committee that he acts as legal counsel for the Ontario Travel Industry Conference which is a non-profit Ontario corporation. This organization represents, according to the lawyer, about 60 to 70% of the travel agents and tour operators carrying on business in Ontario, about 500 in number. It has requested the lawyer to make himself available for a single consultation annually to each member (or their legal counsel) with respect to questions pertaining to the Travel Industry Act, which it is expected will be proclaimed in the near future. There would be no charge for this consultation, the lawyer's fee being covered by his retainer. He has asked whether in so acting, he would be contravening Ruling 3, paragraph 2(h). An alternative if the above procedure is not acceptable would be for the organization to provide regular seminars for its members. At these seminars the members could review their problems and they would be advised that legal counsel would be present. The lawyer also suggests a third alternative which would be to have at these seminars one or two other solicitors to assist in the questions/answers.

The Committee was of the opinion that the first proposal, namely, that of providing yearly consultation services to each member of the organization would be improper. However, if either of the two alternatives were followed, that is to say, a lecture or speech to a general meeting of the organization with the lawyer being available at that time to answer questions put by its members, the Committee was of the opinion that he would not be in breach of any of the Society's Rulings.

IDENTIFICATION OF LAWYERS

A lawyer wrote to the Society advising that on several occasions in the past year he experienced difficulty in gaining admission for the purpose of seeing clients, to the Regional Detention Centre in his locality. The difficulty arose because of his inability to prove conclusively that he was a lawyer. He asked whether the Society has ever considered or would consider the issuance of some kind of identification card to its members so that similar incidents would not occur in the future.

After due consideration, the Committee concluded that this is the type of matter that could be dealt with at the local level, between the law association of the county in which the institution is located and the institution.

THE REPORT AS ABOVE WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M. AND RESUMED AT 2:30 P.M.

PRESENT:

The Treasurer and Messrs. Borins, Chadwick, Cooper, Farquharson, Finlayson, Furlong, R. J. S. Gray, Griffiths, Ground, Humphrey, Kellock, Krever, Mrs. Legge, Messrs. Linden, Lochead, Maloney, Pallett, Pepper, Salhany, Seagram, Sheard, Shibley, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace and White.

DISCIPLINE COMMITTEE—Mr. Lochead

Re: REMINGTON WHITE, Beaverton

The solicitor attended without counsel and acknowledged having been served with the Decision of the Discipline Committee dated 4th April, 1975. The Decision finding the solicitor guilty of professional misconduct was read by the Secretary.

The solicitor made submissions and retired.

It was moved, seconded and carried that the Decision of the Discipline Committee wherein the solicitor was found guilty of professional misconduct be accepted.

Three motions were made respecting penalty.

The solicitor returned and was advised that the Decision of the Discipline Committee has been accepted and that three motions respecting penalty were before Convocation. The solicitor requested an adjournment to the next regular Convocation.

The matter was adjourned to Convocation on 20th June, 1975.

LIBRARIES AND REPORTING COMMITTEE—

Mr. H. E. Harris

Mr. Seagram, Vice-Chairman, presented the Report of the Libraries and Reporting Committee.

The Committee met on Thursday, 8th May, 1975, the following members being present: Messrs. Seagram (Vice-Chairman), Borins, N. MacL. Rogers, Mrs. Tait and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

A donation was received from Mr. George T. Scroggie, Q.C., Toronto, comprising 16 texts and Amendments to Regulations of the Supreme Court excerpted from the Ontario Reports between 1963 and 1975.

FURNITURE AND FIXTURES

The Committee discussed a letter from a solicitor concerning the lighting and seating arrangements in the Great Library. The Committee recommended that this matter be held over until Mr. Heeney's final report on the matter of lighting is received.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Law Associations listed below have sent in their Annual Returns for 1974. The amounts of grants payable under the Regulation in 1974 and 1975 are as follows:

	1975	*1974*
Halton	$2,000.00	$2,000.00
Kenora	840.00	803.33
Leeds and Grenville	1,145.00	1,145.00
Simcoe	2,000.00	2,000.00

Approved subject to the approval of the Finance Committee.

REPORTING

LETTER FROM MR. JUSTICE ARNUP RE PRINTING OF CITATIONS IN THE ONTARIO REPORTS

The Committee recommended that Mr. Borins be asked to discuss this matter with Mr. Alan Marks and Mr. Justice Arnup.

WESTERN LEGAL PUBLICATION LTD. — REPORTING SERVICE FOR UNREPORTED DECISIONS

The Committee recommended that Mr. Justice Arnup and

Mr. Krever be invited to the June meeting of the Committee and that any material submitted by Western Legal Publication Ltd. for that meeting should be sent to the members of the Committee one week in advance.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented the Report of the Admissions Committee.

The Committee met on Thursday, 8th May, 1975, the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, R. J. S. Gray, Krever, Lochead, Seagram and Mrs. Sutherland.

DIRECT TRANSFER

The Committee considered an application for direct transfer to practice in Ontario from a member of the British Columbia Bar. The applicant sought permission to proceed under Regulation 4(1) and to attend the teaching portion of the Bar Admission Course in lieu of writing the tranfer examination. The application was approved.

DIRECT TRANSFERS FROM QUEBEC

Two applications for direct transfer to practice in Ontario from members of the Quebec Bar were considered by the Committee. Both applicants sought permission to proceed under Regulation 4(2) and to attend the teaching portion of the Bar Admission Course in lieu of writing the requisite examinations. The Committee approved both applications.

TRANSFERS FROM JURISDICTIONS OUTSIDE CANADA

The Committee considered five applications for transfer to practice in Ontario from members of jurisdictions outside Canada, namely, England and West Pakistan. Three applications were approved. One application was approved subject to submission of proof of practice. One application was refused because the applicant failed to satisfy the requirements of the Regulation.

OCCASIONAL APPEARANCE

John James Reynolds of Vancouver, British Columbia, applied to proceed under Section 10 of the Regulations concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" in a specific proceeding. The Committee recommended approval of the application.

READMISSION

Keith Emerson Eaton applied to resume his membership in the Society. He was called to the Bar in Nova Scotia in 1948 and transferred to practise in Ontario in 1956. He practised in Ontario until 1972 when he moved to Halifax and resumed practice there. He retained his membership in this Society until 16th March, 1973, when, at his own request, he was permitted to resign. The Committee approved this application.

REPORT OF EXAMINING BOARD

The report respecting the examination held in May 1975 was before the Committee. Three candidates sat the examinations. One passed and two failed. The Committee approved the report.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Cass presented the Report of the Unauthorized Practice Committee.

The Committee met on Thursday, 8th May, 1975, the following members being present: Messrs. Strauss (Chairman), Cass and Willoughby (*ad hoc*).

An amended account of counsel retained by the Society was approved for payment.

The Committee considered a letter of complaint from a solicitor in Kingston concerning a divorce service company. The Committee decided to retain counsel to investigate and, if there is sufficient evidence, to proceed with a prosecution under Section 50 of The Law Society Act.

The Committee considered two letters of complaint concerning a divorce service company. Both complainants had paid fees but had not obtained divorces by using the divorce service company as agent. The Secretary was instructed to retain counsel to investigate and, if sufficient evidence is obtained, to prosecute under Section 50 of The Law Society Act.

The Committee considered a letter of complaint from a solicitor concerning a client who had received a letter from a trust company offering to review and revise his will. The client was upset by this solicitation of legal business by a non-professional. The Committee recommended that the Secretary send the solicitor a copy of the agreement between the trust companies and the Law Society.

The Committee considered a complaint from a solicitor concerning a firm that were holding themselves out as barristers. The Committee recommended that the letter containing legal advice given by the firm be referred to counsel to ascertain whether there is sufficient evidence for a prosecution under Section 50 of The Law Society Act.

The Committee considered a complaint from a solicitor that a notary public was acting for the vendor in a real estate transaction. The Committee recommended that the Secretary write to the President of the local bar association asking if any of its members know of any similar instances in which this particular notary has been involved in conveyancing work.

The Committee considered an article from an April edition of a Hamilton newspaper indicating that a divorce service company would obtain a divorce for $120. The Committee instructed to Secretary to make enquiries.

THE REPORT WAS ADOPTED

BUILDING COMMITTEE—The Treasurer

The Treasurer presented the Report of the Building Committee.

The Committee met on Thursday, 24th April, 1975, the following members being present: Mr. Thom (Chairman), Messrs. Common, W. G. Gray and Levinter. Mr. Heeney and Mr. Burnett were also present.

The Committee reviewed the present physical arrangements in Osgoode Hall for the Benchers and the Society's administrative staff. The addition of ladies to the Bench and the need for more office accommodation make it appropriate to consider how best the space within the building can be utilized to accomplish the following objectives:

1. Expansion of Benchers locker facilities;
2. Provision of lockers for lady Benchers;
3. Expansion of Benchers kitchen including additional construction to the north of the existing Benchers quarters;
4. Expansion and relocation of lockers for lady Barristers;
5. Relocation and modernization of lockers for male Barristers;
6. Relocation of Ex-Treasurers Room into Benchers quarters;
7. Expansion of office accommodation to allow for additions to administrative staff over the next ten years. No allowance will be made in this study for possible expansion in the educational wing of Osgoode Hall.
8. Improvement of Law Society entrance with improved access to administrative offices and other parts of the building.

The Committee recommends that Mr. Heeney be asked to prepare plans and estimates of costs for the Committee's consideration.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON
J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Mr. Pepper presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 8th May, 1975.

The following members were present: Messrs. Cass, Pepper and Shepherd.

APPLICATIONS

The Committee considered two applications and recommended that a grant be made to one applicant. The Committee recommended that no grant be made to the second applicant.

It was moved, seconded and carried that the Committee give further consideration to the second application.

THE REPORT AS AMENDED WAS ADOPTED

SPECIAL COMMITTEE ON CONVOCATION AND THE BENCHERS ELECTION

The Treasurer drew attention to a number of representations that had been received on these matters.

It was moved by Mr. Lochead, seconded by Mr. Borins, that the Treasurer be authorized to appoint a Special Committee on Convocation and the Benchers election and that the motion respecting "Open" Convocations be referred to the Special Committee.

Carried

CONVOCATION ROSE AT 4:00 P.M.

Read in Convocation and confirmed 20th June, 1975.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

(ABRIDGED)

Thursday, 19th June, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Borins, Bowlby, Carnwath, Carter, Cartwright, Fennell, Finlayson, Furlong, R. J. S. Gray, W. G. Gray, Griffiths, Ground, Mrs. Legge, Messrs. Linden, Lochead, Ogilvie, Pallett, Pepper, Shibley, Strauss, and Mesdames Sutherland and Tait.

DISCIPLINE COMMITTEE — Mr. Lochead

Re: HOWARD S. SWARTZ, Oshawa

Messrs. Cartwright and Shibley were not present, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended with his counsel, and counsel attended for the Society.

The Secretary read the Decision of the Discipline Committee, dated 29th April, 1975, that the solicitor was guilty of professional misconduct, having

(a) during the years 1973 and 1974, failed to carry out the instructions of a client by failing to commence and prosecute an action on behalf of the said client although duly instructed to do so;

(b) during the years 1973 and 1974, misled a client by advising the said client that he had commenced and was prosecuting an action on behalf of the said client for wrongful dismissal when in fact no such action had been commenced.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

Neither counsel made submissions. The solicitor, counsel and the reported retired.

The motion was *carried.*

It was moved and seconded that the solicitor, by Order, be reprimanded in Convocation.

The solicitor, counsel and the reporter returned. The solicitor and counsel were informed that the Decision of the Committee had been accepted by Convocation and of the motion respecting penalty. The solicitor, counsel and the reporter withdrew.

It was moved and seconded that in addition to the reprimand in Convocation, the solicitor be required to pay the expenses of the Society's investigation amounting to $603.88.

The solicitor, counsel and the reporter returned, and were informed of the proposed amendment to the motion. No submissions were made. They all retired.

Both motions were *carried.*

The solicitor, both counsel and the reporter returned, and were advised.

The solicitor was advised of his right to appeal and that if he wished to do so, he could waive his right of appeal and request that the penalty of reprimand be carried out forthwith. The solicitor waived his right of appeal. Both counsel and the reporter retired.

The solicitor was reprimanded by the Treasurer.

Re: STEPHEN CHARLES FRENCH, Q.C., Toronto

Messrs. Finlayson and Linden were not present, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor did not attend. The solicitor and the Society were both represented by counsel.

Counsel for the solicitor placed before Convocation three letters, one from the solicitor and two from doctors, and requested an adjournment on the ground that the solicitor was for medical reasons unable to attend. Counsel for the Society made no submissions. Both counsel and the reporter withdrew.

It was moved and seconded that the request for an adjournment be refused and that the matter proceed.

In amendment to the motion, it was moved and seconded that the matter be adjourned to a date in October next to be brought on with ten days' notice to the solicitor.

The amendment was *carried*; the motion was not put.

Counsel were advised.

Re: REMINGTON WHITE, Beaverton

The quorum was comprised of:

> The Treasurer and Messrs. Borins, Finlayson, Furlong, R. J. S. Gray, Griffiths, Ground, Mrs. Legge, Messrs. Linden, Lochead, Pallett, Pepper, Shibley, and Mesdames Sutherland and Tait,

all of whom were present when the matter first came before Convocation on 16th May, 1975.

The reporter was sworn.

The solicitor did not attend nor was he represented by counsel. A letter from the solicitor in which he asked that the matter be adjourned was read to Convocation.

The reporter withdrew.

It was moved and seconded that the request for an adjournment be denied.

The motion was *carried*.

The Decision of the Discipline Committee having been accepted by Convocation on 16th May, 1975 and there being motions before Convocation with respect to penalty, Convocation proceeded to consider these motions.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The motion was *carried*.

MOTION — GOWNS AT JUNE CONVOCATION

It was moved, seconded and *carried* that because of the very warm weather, gowns not be required to be worn at the regular Convocation on 20th June, 1975.

CONVOCATION ROSE AT 11:50 A.M.

Read in Convocation and confirmed 19th September, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 20th June, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Borins, Bowlby, Carnwath, Carrier, Carter, Cartwright, Cass, Chadwick, Cooper, Farquharson, Fennell, Finlayson, R. J. S. Gray, W. G. Gray, Griffiths, Ground, Henderson, Furlong, Goodman, Kellock, Krever, Mrs. Legge, Messrs. Linden, Lochead, Ogilvie, Pallett, Pepper, Robins, Salhany, Seagram, Sheard, Shepherd, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Tobias, Wallace, White, Williston and Willoughby.

APPOINTMENT OF CHAIRMAN

It was moved, seconded and carried that Mr. Terence Sheard be Chairman of the meeting.

ELECTION OF TREASURER

It was moved, seconded and carried that Mr. Stuart Thom be Treasurer for the ensuing year.

On his election as Treasurer for a second term, Mr. Thom took the chair and addressed Convocation.

MINUTES

The Minutes of Convocation of 16th May, 1975 were read and confirmed.

APPOINTMENT OF AUDITOR

It was moved, seconded and carried that Messrs. Clarkson, Gordon & Company be appointed Auditors of the Society for the period of one year from 1st July, 1975.

CANADIAN BAR ASSOCIATION

It was moved, seconded and carried, that the Treasurer and Mr. R. W. Cass be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1975.

FEDERATION OF LAW SOCIETIES OF CANADA

It was moved, seconded and carried that the Society's representatives to the Federation of Law Societies of Canada be the Treasurer and the Secretary of the Society.

APPOINTMENT OF STANDING COMMITTEES — The Treasurer

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted was held on Thursday, the 12th day of June, 1975, at 4:00 p.m., the following being present: The Treasurer (Chairman) and Messrs. Cartwright, Cass, Evans, Fennell, Finlayson, W. G. Gray, Krever, Lochead, Shepherd and Strauss.

This year the Standing Committees have been constituted with two objectives in mind: First, to reduce the size of the Standing Committees to increase their efficiency; and second, to arrange their membership where possible to avoid overlapping so that two Committees can meet at the same time on the regular monthly Meeting Day.

The recommended arrangement would permit the Finance Committee to meet at the same time as the Public Relations Committee; the Legal Education Committee while Unauthorized Practice meets; and the Admissions Committee at the same time as Libraries and Reporting.

With respect to the Discipline Committee, all members of Convocation have been included in its membership to ensure the broadest possible participation in this aspect of the

Society's work. The present system of designating groups primarily responsible to form a quorum in particular matters will be continued. To deal with matters of policy twelve members of the Committee have been designated the Policy Section and will be primarily responsible to attend meetings of the Committee where general questions and matters of policy are to be decided. Other members of the Committee will be free to attend meetings of the Policy Section if they wish to do so. The same arrangement is recommended for the Professional Conduct Committee so that it will include all members of Convocation and have a designated Policy Section, other members of the Committee being free to attend meetings of the Policy Section if they wish to do so. The Policy Sections of the two Committees would meet when necessary.

Two Committees — Legal Aid and Legislation and Rules — normally meet on other days than the regular monthly Meeting Day.

Accordingly it is recommended that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE: Fennell, Goodman, W. G. Gray, Ground, Henderson, O'Brien, Ogilvie, Pallett, Pepper, Sheard, Shepherd, Wilson.

2. LEGAL EDUCATION: Borins, Carthy, Finlayson, Griffiths, Ground, Kellock, Krever, Robins, Salhany, Shepherd, Shibley, Tait.

3. ADMISSIONS: Borins, Cass, Finlayson, R. J. S. Gray, Krever, Legge, Pepper, Seagram, Shepherd, Sheard, Sutherland, White.

4. DISCIPLINE: All members of Convocation.
   Policy Section: Carrier, Cartwright, Cooper, Evans, Finlayson, Furlong, W. G. Gray, Griffiths, Krever, Lochead, O'Brien, Sutherland.

5. PROFESSIONAL CONDUCT: All members of Convocation.
   Policy Section: Borins, Bowlby, Carrier, Carter, Cooper, Evans, Goodman, Henderson, Humphrey, Kellock, Maloney, Sutherland.

6. LIBRARIES AND REPORTING: Carthy, Farquharson, Goodman, Maloney, Salhany, Seagram, Shibley, Strauss, Tait, Wallace, Willoughby, Zahoruk.

7. UNAUTHORIZED PRACTICE: Carnwath, Cartwright, Cass, Chadwick, Fennell, Furlong, Legge, Ogilvie, Pallett, Strauss, Tobias, White.

8. PUBLIC RELATIONS: Bowlby, Linden, Lochead, Tait, Tobias, Wallace, Williston, Willoughby.

9. LEGAL AID: Borins, Bowlby, Carter, Cass, Chadwick, Common, Cooper, Finlayson, Griffiths, Henderson, Humphrey, Levinter, Linden, Shibley, Wallace.

Non-Bencher Members: R. E. Barnes, E. A. Cherniak, L. S. Fairbairn, L. K. Ferrier, C. R. Harris, A. W. Maloney.

10. LEGISLATION AND RULES: Cartwright, Common, Farquharson, Furlong, W. G. Gray, Krever, Legge.

THE REPORT WAS ADOPTED

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation, having adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen and then resumed, received the reports of the Standing Committees as to the election of Chairmen and Vice-Chairmen.

The following were elected:

1. FINANCE: Chairman, A. E. Shepherd; Vice-Chairman, J. C. Pallett.

2. LEGAL EDUCATION: Chairman, Horace Krever; Vice-Chairman, G. D. Finlayson.

3. ADMISSIONS: Chairman, P. B. C. Pepper; Vice-Chairman, Laura L. Legge.

4. DISCIPLINE: Chairman, G. H. Lochead; Vice-Chairman, R. Ian Cartwright.

5. PROFESSIONAL CONDUCT: Chairman, Austin Cooper; Vice-Chairman, Stephen Borins.

6. LIBRARIES AND REPORTING: Chairman, C. J. Seagram; Vice-Chairman, J. J. Carthy.

7. UNAUTHORIZED PRACTICE: Chairman, S. E. Fennell; Vice-Chairman, J. G. M. White.

8. PUBLIC RELATIONS: Chairman, G. E. Wallace; Vice-Chairman, L. S. Willoughby.

9. LEGAL AID: The Legal Aid Committee will elect a Chairman and Vice-Chairman at its next meeting.

10. LEGISLATION AND RULES: Chairman, R. Ian Cartwright; Vice-Chairman, W. G. Gray.

APPOINTMENT OF SPECIAL COMMITTEE ON CONVOCATION AND ELECTION OF BENCHERS

The Treasurer announced that pursuant to the authority given to him at Convocation on 16th May, 1975, he has appointed the following to constitute the Special Committee on Convocation and Election of Benchers: Messrs. Robins (Chairman), Borins, Finlayson, Goodman, Tobias and Wallace.

APPOINTMENTS TO SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

The Treasurer announced that he has named Messrs. Linden and Shibley as members of the Special Committee on Errors and Omissions Insurance.

APPOINTMENT TO THE LEGAL EDUCATION COUNCIL

The Treasurer informed Convocation that he has appointed Mr. Shepherd as one of the Society's representatives on the Legal Education Council in place of Mr. W. G. Gray.

CONTINGENT FEES

The Treasurer referred to the question of contingent fees in Ontario.

It was moved, seconded and carried that the Treasurer be authorized to appoint a Special Committee to consider the question of contingent fees in Ontario and to report, making recommendations, to Convocation.

SPECIAL COMMITTEE ON THE EMPLOYMENT OF BENCHERS—Mr. Fennell

The Committee met on Tuesday, 3rd June, 1975, at 2:30 p.m., the following members being present: Mr. Brendan O'Brien, Chairman, and Messrs. Fennell, Evans, Goodman and Farquharson.

This Committee was established upon motion made at Convocation on May 16th, 1975. This Committee has been asked to consider and report on the question of the employment of Benchers by the Society.

Traditionally, members of the profession who have been in the employ of the Law Society have either not run for election as Bencher or if elected as Bencher, have either discontinued their employment with the Society or have continued to render services to the Society while refusing to accept compensation for such services. Such cases have arisen from time to time where members of the profession were employed by the Society on the teaching staff at Osgoode Hall Law School (when it was operated by the Society) or when in receipt of an honorarium as lecturers in the Bar Admission Course.

The above-mentioned practice no doubt had its origin in the well accepted principle that if a member should continue to occupy at the same time the roles of employer and employee (accepting compensation), there would be a conflict of interest in the discharge of the two functions.

From time to time an occasion has arisen where, because of some special knowledge or other connection with business before Convocation, a Bencher has found it necessary to disqualify himself from taking any part in the deliberations relating to such business. The disqualification in such a case is, of course, both necessary and proper. Such happenings cannot be foreseen or guarded against because of the infinite variety of the work which comes before Convocation.

It might be suggested that if an elected Bencher was in the employ of the Society, any possibility of conflict could be avoided if he should disqualify himself from considering any matter affecting or related to his employment, but the Committee is of the opinion that there is an important difference between the case of occasional disqualification in matters which cannot be foreseen or guarded against and a predictable disqualification on a regular basis from an essential part of the work of the Society.

The soundness of the traditional practice may be demonstrated by considering the case of a lecturer at the Osgoode Hall Law School, when it was run by the Society, who might be elected as a Bencher. If, after election, that Bencher attempted to continue in the pay of the Society, it would be necessary for him to disqualify himself from a substantial part of the business of the Society relating to legal education matters. Similarly, if the Librarian should be a member of the Society (as has sometimes been the case) and elected a Bencher, such Bencher would have to disqualify himself from consideration of a good part of the business of the library. If a member of the Secretary's office should become elected a Bencher, it would be necessary for him to disqualify himself from a large part of all of the business conducted in Convocation. Not the least of the difficulty would be in determining which business required disqualification and which did not.

Even though a Bencher should disqualify himself from consideration of a particular matter, the fact that he has an interest in it may in some cases be embarrassing for the other Benchers to have to discuss and consider the appropriate rate of pay for a Bencher in the employ of the Society.

Another objection to disqualification of a Bencher on a predictably regular and continuing basis in relation to a large part of the business of the Society is that such Bencher leaves unrepresented in such business those members of the profession who voted for him. As a general rule, the members of the profession have a right to expect that the Benchers elected by them will not be disqualified from taking part in a substantial proportion of the Society's work.

The practice which has been observed in the Society heretofore has related only to the expenditure of money paid in to the Society as membership fees. Since the Legal Aid Plan came into being in 1966, the Society has been entrusted with the expenditure of a very substantial amount of public funds. In the opinion of the Committee, it is of the utmost importance that the Society ought not to permit itself to be placed in a position where it could be criticized in any way in the expenditure of such public funds.

It is well recognized that in the case of municipal councils and school boards, no member shall be elected or entitled to sit or vote therein who is an employee or servant of the corporation or board or who has contractual dealings with it. The Benchers of the Society should be governed by a code of conduct no less rigorous.

The Committee is unanimously of the opinion that the policy of the Society not to have a Bencher as a paid employee should be continued.

Discussion was interrupted so that the relevant portion of the Report of the Admissions Committee could be considered and the Call to the Bar of two candidates take place.

ADMISSIONS COMMITTEE—Mr. Cass

Mr. Cass, Chairman, presented that portion of the Admissions Committee's Report relating to two applications for Call to the Bar as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

TRANSFER FROM ANOTHER PROVINCE

Neil Warren Nichols of Alberta, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416.00, now applied for call to the Bar and to be granted a Certificate of Fitness.

Approved

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

On 16th May, 1975, Convocation approved the recommendation of the Admissions Committee that *John James Reynolds* of British Columbia be allowed to proceed under the Admissions Committee's Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor.

Approved

THAT PORTION OF THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Neil Warren Nichols
John James Reynolds

SPECIAL COMMITTEE ON THE EMPLOYMENT OF BENCHERS (Continued)

Discussion of the Report of the Special Committee on the Employment of Benchers continued.

It was moved and seconded in amendment of the motion to adopt the Report that the matter be referred back to the Special Committee for it to reconsider the principle involved, and if the principle is reaffirmed by it, then to consider the categories of persons who would be affected, and that the Special Committee be authorized to receive representations from individuals who might be affected.

The motion in amendment was *lost.*

The motion to adopt the Report was *lost.*

PRESENTATION — MR. ROBERT BESTED

The Treasurer made a presentation to Mr. Robert Bested, the Society's Steward, upon his retirement from employment with the Society. The Treasurer thanked him for his services, presented him with a gift and extended the good wishes of Convocation to him.

LEGAL EDUCATION COMMITTEE—Mr. Krever

The Committee met on Thursday, 12th June, 1975 at 2:00 p.m., the following members being present: Mr. Horace

Krever, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Cass, W. G. Gray, Sheard, Shepherd and Willoughby.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments (Ottawa)

It is recommended that the following appointments be made for the teaching term which commences 8th September, 1975:

Laird J. Rasmussen — Senior Instructor for the Real Esate Section
Stanley E. Fennell — Senior Instructor for the Professional Conduct Section
A. de Lotbiniere Panet — Senior Instructor for the Accounting and Understanding Financial Statements Section
Arnell Goldberg — Senior Instructor for the Creditors' Rights and Bankruptcy Section
W. Daniel Chilcott — Senior Instructor for the Criminal Procedure Section
Kenneth Radnoff — Senior Instructor for the Civil Procedure II Section
L. Marcel Joyal — Senior Instructor for the Law Office Organization and Procedure Section
David C. Gavsie — Senior Instructor for the Income Tax Section
Allyne F. Thomson — Senior Instructor for the Family Law Section

Approved

Call to the Bar Ceremony 1976

The possibility of holding the 1976 ceremonies for Call to the Bar in Osgoode Hall has been investigated. Osgoode Hall will accommodate a maximum of 650 persons. It is expected that approximately 700 students will be called. These with their guests would number 3,500 persons and it would be necessary to hold six ceremonies on three successive days.

Taking these figures into account and other problems, the

Director recommends that the O'Keefe Centre be reserved for 8th and 9th April, 1976.

Approved

Co-ordinator of Legal Education for The Federation of Law Societies of Canada

The incumbent Director has acted as Co-ordinator of Continuing Education for the Federation of Law Societies of Canada and recommends that this position be filled by Mr. G. W. Collins-Williams when the present term of the Director expires on 30th June. This new appointment has been discussed with Mr. Collins-Williams and with the Executive of the Federation. It is requested that the Committee and Convocation approve this recommendation subject to the approval of the Federation.

Approved

SPECIAL PETITIONS

The Committee considered seven petitions. Four petitioners sought permission to defer entering the teaching term of the Bar Admission Course and two petitioners sought permission to vary the length of the articling period of the Bar Admission Course. The Committee approved these petitions.

The remaining petitioner sought permission to repeat the teaching term of the Bar Admission Course. The petitioner had been unsuccessful in completing the Bar Admission Course and, upon repeating the teaching portion of the Course, had again been unsuccessful. A petition for consideration which was submitted at that time was refused. The petitioner and his counsel attended before the Committee and counsel made submissions. The Committee recommended that the petition be denied.

APPOINTMENT OF SUB-COMMITTEE ON PLACEMENT OF 1975 GRADUATES

At the March meeting of the Committee, it was moved, seconded and carried that at the June meeting of the Committee a recommendation be made that a sub-committee be struck to review the placement of the graduates of the 1975 Bar Admission Course.

Approved

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE (Continued)

Mr. Cass, Chairman, presented the remainder of the Report of the Admissions Committee.

The Committee met on Thursday, 12th June, 1975, at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. R. J. Gray, Krever, Lochead, Seagram, Sheard and Mrs. Sutherland.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Four candidates, having complied with the relevant Regulations paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course, as of 1st September, 1975.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered an application for direct transfer from a member of the Quebec Bar. The applicant sought permission to proceed under Regulation 4(2) and to attend the teaching portion of the Bar Admission Course in lieu of writing the requisite examinations. The application was approved.

TRANSFER FROM JURISDICTION OUTSIDE OF CANADA

The Committee considered an application from an English solicitor for permission to proceed under Regulation 5 and approved the application.

THE REMAINDER OF THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. W. G. Gray

The Committee met on Thursday, 12th June, 1975, at 11:00 a.m., the following members being present: Messrs. W. G. Gray (Chairman), Cartwright, Fennell, Ogilvie, Pallett, Sheard and Shepherd.

ROLLS AND RECORDS

Appointment to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society will be placed in abeyance upon his assuming office:

Jean-Marc Labrosse, Sudbury	Called — 13 April 1962 Appointed Judge, S.C.O., High Court of Justice — 29 May 1975

Deaths

The following members have died:

William McKay Wright, Q.C., Windsor (Life Member)	Called — 11 September 1919 Deceased — 18 May 1975
Gerald Moore Purcell, Q.C., London	Called — 17 September 1925 Deceased — 17 May 1975
Henry Leslie Rountree, Q.C., Etobicoke	Called — 15 November 1945 Deceased — 17 May 1975
Roy Beverley Whitehead, Q.C., Toronto (Life Member)	Called — 20 October 1915 Deceased — 29 May 1975
Henry Augustus Coon, Q.C., Toronto	Called — 15 January 1925 Deceased — 8 June 1975
John Frank Dales, Toronto (Life Member)	Called — 25 May 1917 Deceased — 9 June 1975
James Flintoft, Q.C., Toronto	Called — 16 September 1948 Deceased — 9 June 1975
Ralph Chernin, Q.C., Toronto	Called — 23 June 1953 Deceased — 10 June 1975

Readmission

The following former members of the Society, having complied with the requirements of the Admissions Committee, was readmitted and his membership in the Law Society has been restored:

Keith Emerson Eaton	Convocation, 16 May 1975

Noted

RESIGNATION

Charles Gordon Ross of North Bay, applied for permission to resign his membership in the Society and submits his Declaration in support, together with a request that he be relieved of the requirement of publication in the Ontario Reports.

The Committee recommended that Mr. Ross be permitted to resign without publication.

CHANGE OF NAME

John Kubinyi, a student member, requested that his name be changed on the Rolls of the Society to *John Janos Simon.* His petition and a copy of the Order of His Honour Judge Cornish were before the Committee.

Approved

ERRORS AND OMISSIONS INSURANCE PLAN — ARREARS

Convocation on the 16th of May 1975 approved the recommendation of the Committee that those members of the Society who have not complied with the requirements respecting the Errors and Omissions Insurance Plan be suspended on 20th June. Twenty-three members still have not complied.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their Annual Returns for 1974. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Regulation in 1974 and 1975 and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

COMPUTER

The Finance Administrator has recommended acquisition on a rental basis of a computer and his report was before the Committee.

The Committee recommended that the Secretary be authorized to write to International Computers of Canada Limited stating approval in principle of our intention to acquire an ICL 2903 on a rental basis with an option to purchase. Cost for the year including start up and maintenance will be approximately $55,000.

RETIREMENT OF CHAIRMAN

The Committee expressed its sincere appreciation of the leadership of the Chairman, Mr. W. G. Gray, who has guided the society's finances since 1971.

THE REPORT WAS ADOPTED

MOTION TO SUSPEND — ERRORS AND OMISSIONS INSURANCE PLAN — ARREARS OF ANNUAL LEVY

It was moved, seconded and carried that the rights and privileges of those members who have failed to pay the levy prescribed under Section 53 of The Law Society Act within four months after the date on which payment was due, namely, 1st January, 1975, be suspended from 20th June, 1975, until their levies are paid or until applications for exemption from coverage were approved. Of the 23 members whose names were before Convocation, ten were suspended as of 20th June, 1975. Seven were subsequently reinstated and the following three are still suspended:

William Edward Clark, Toronto
Charles Edmund Evans, Toronto
Ben Wise, Toronto

FINANCE COMMITTEE (Continued)

Mr. W. G. Gray, Chairman, presented the Report of the Finance Committee of its meeting on Friday, 20th June, 1976.

The following members were present: Messrs W. G. Gray (Chairman), Fennell, Henderson, Ogilvie, Pepper and Shepherd.

CANADIAN LAW INFORMATION COUNCIL

The following item was before the Committee at its meeting on the 12th of June and was allowed to stand to this meeting:

> "A request dated March 4, 1975, for a financial contribution by the Society was before the Committee on April 10, 1975, and was to stand for further information. A subsequent review with Mr. Gordon Henderson indicated that the Council is seeking nominal support this year from all Law Societies in order to establish the principle that the Council is not funded solely by the Government of Canada. Recognizing that no provision was made in the budget for such a contribution, it is recommended that a nominal payment of $250 be made for the current year and that the Committee review the amount of contribution to be made in 1975/76 when the budget for that year is before this Committee."

The Committee recommended that a grant of $250.00 be made to the Canadian Law Information Council. (Mr. Gordon Henderson did not vote.)

Mr. Henderson was not present in Convocation, took no part in the discussion and did not vote on the motion to adopt the report.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Bowlby

The Committee met on Wednesday, 4th June, 1975, the following members being present: John D. Bowlby, Chairman, G. E. Wallace, Vice-Chairman, and Messrs. Carthy, Cass, Chadwick, Fairbairn, Ferrier, Finlayson and A. E. M. Maloney.

SECTION 71 OF THE LEGAL AID REGULATION

Section 71 of the Legal Aid Regulation reads as follows:

> "Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to section 72, unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel."

During the first year of the Plan's operation, the Counties of Lennox and Addington were exempted under the said Section to enable Duty Counsel to act on a certificate. There were only 5 members in the Lennox & Addington Law Association. There are now some 15 solicitors practising in the area and the Area Director and Area Committee now feel that there is no longer a need for this exemption.

The Committee therefore rescinds the approval extended under Section 71 in 1967.

REPORT FROM SUB-COMMITTEE DEALING WITH INTERIM FUNDING OF LEGAL SERVICE GROUPS

As reported to Convocation in April and May, of the funds which became available to the Legal Aid Fund by virtue of interest on solicitors' trusts accounts accumulated by the Law Foundation, a balance of approximately $300,000 was unallocated by the Management Board of Cabinet and thus became available for other purposes.

In March Convocation, on the recommendation of the Legal Aid Committee, approved the application of Parkdale Community Legal Services for interim funding on a six-month basis commencing April 1st, 1975. The Committee reviewed other requests from Community Service Organizations for funding.

A Sub-Committee consisting of Messrs. Fairbairn (Chairman), Carthy, Cooper, Ferrier, John B. Allen and D. J. McCourt was appointed to determine the principles and priorities on which the Committee will receive applications from groups for funding and to establish criteria on which money can be paid out and report to this Committee's June meeting.

The Committee has considered and approves the Report of the Sub-Committee which in essence concludes that the Attorney General should be left with the decision as to whether independent legal service groups should, in fact, be funded from the point of view of authority and also as to the monies available.

RECOMMENDED PROPOSALS FOR CHANGE APPROVED BY THE LAW SOCIETY AND ENDORSED AND/OR DISCUSSED IN THE TASK FORCE REPORT

(a) At its May 1975 meeting the Committee reviewed correspondence from the Attorney General to the Chairman wherein the Attorney General authorized the initiation of certain pilot propects which were held in abeyance pending the release of the Task Force Report.

The Committee indicated its desire to have the Legal Advice and Assistance Programme and the Decentralization of the York County office proceed as quickly as possible.

The Chairman wrote the Deputy Attorney General on May 22nd, 1975, indicating that Convocation had been advised that the Peterborough Advice and Assistance Project and the Decentralization of York County would now proceed subject to discussion with the Attorney General on the updating of costs.

(b) LEGAL ADVICE AND ASSISTANCE PROJECT

On Thursday, May 22nd, 1975, John B. Allen, Assistant Provincial Director, travelled to Peterborough to reactivate the local Bar with respect to the Legal Advice and Assistance Project.

(c) DECENTRALIZATION OF YORK COUNTY

At the May meeting of the Committee, W. R. Donkin, Area Director, York County, advised the Committee that he proposed to decentralize the York County office by relocating three satellite offices in Newmarket, Scarborough and Etobicoke.

LEGAL AID PANELS

On March 14th, 1973, Convocation approved the report of the Committee calling for a revision of the panels of all solicitors under Legal Aid so as to give applicants more information on the experience and practice of the individual solicitors.

The said report recommended that the following steps be taken:

(a) in the urban centres active and passive lists should be established;

(b) separate active lists should be created for criminal, matrimonial and civil matters other than matrimonial causes;

(c) following each lawyer's name on the active list should be the name of his firm, its address and the year of the lawyer's call to the Bar.

At its May, 1975, meeting the Legal Aid Committee reviewed the above-noted recommendations in light of the Task Force Report recommendations and a Sub-Committee consisting of Austin M. Cooper and W. R. Donkin was appointed to study the matter and make further recommendations.

After thorough discussion the Committee now recommends a revision of the legal aid panel lists as follows:

(a) Area Directors be given permission to establish active and passive lists, with only the active lists being regularly available to the public.

(b) Separate active lists should be created for criminal, matrimonial, and civil matters other than matrimonial causes.

(c) Following each lawyer's name on the active list should be the name of his firm, its address, the number of lawyers in the firm, the firm telephone, and the year of the lawyer's call to the Bar.

(d) The necessary information to complete the new form of panels should be obtained by circularizing the Bar in the area affected as soon as possible.

(e) The lists should first be restructured as suggested above in Toronto.

LAY REPRESENTATION ON LEGAL AID COMMITTEE

On May 16th, 1975, the Convocation approved that Rule 47(1) of The Law Society Act be amended to read as follows:

> "There shall be a standing committee known as the Legal Aid Committee composed of no more than 30 members who shall be appointed annually, 20 of whom including the Chairman or Chairwoman and Vice-Chairman or Vice-Chairwoman shall be members of The Law Society of Upper Canada appointed by Convocation. Ten members shall be lay persons appointed by the Lieutenant Governor-in-Council."

The Director submitted for the Committee's consideration a list of organizations who should be requested to recommend names of lay persons as potential members of the Legal Aid Committee. It is intended that a list of 30 of these names be forwarded to the Attorney General from which he shall select 10 persons to be appointed to the Committee.

The Director also presented a letter which should be sent to each of the organizations listed.

TASK FORCE REPORT

The Director received correspndence from Seton Pollock, Director of the Legal Aid Plan in England, commenting on the Osler Report.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends that the following be appointed members of the respective area committees:

Elgin County

Mr. James Destin, St. Thomas, Ontario.

Waterloo County

Dr. J. Winfield Fretz, Past President, Conrad Grebel College, University of Waterloo, Waterloo
Sidney S. Bergstein, Solicitor, Kitchener
E. L. Wellhauser, Solicitor, Waterloo
R. J. Miller, Solicitor, Cambridge

York County

Lawyers:

Milton Cadsby
Thomas Bastedo
George Walsh
John Banfill
Thomas Heintzman
Barry Brown
James Sawers
Eric Button
Harvin Pitch
Charles M. McKeon
Frederick Gans
Stephen Goudge
George Carter
Francis Fay
John Sproule
Michael Wadsworth
Donald Bellehumeur
Clayton Ruby
Paul Copeland
Marvin Siegel
Ian Cartwright
Robert Murray

Non-Lawyers:

Ronald Owston, Toronto Institute of Human Relations
James Bellshaw, Broker, Member of John Howard Executive

Margaret Tamblyn, Public Health Nurse
Cathy Forbes, John Howard Society Volunteer
Dr. Rema Paul, Metro Department of Social Services
Mrs. Lee Robertson, Member, Metropolitan Toronto Y.W.C.A. Board
Dr. Earl Myers, Proctologist
Gordon Rosenberg, Financier
Margaret Graeb, Executive Director, Mobility Counselling Services
Ruth Pitman, Co-ordinator, Volunteer Programme, Department of Correction Services
Barbara Hardy, Teacher
Roger Laforme, Executive Director, St. Leonard's House

RESIGNATIONS

Mr. C. A. Osborne, Solicitor, Kitchener
Mr. D. J. S. McDowell, Solicitor, Waterloo
Mr. E. O. Cougler, Solicitor, Cambridge
Mr. J. M. Harris, Jr., Solicitor, Cambridge

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:40 P.M.

The Treasurer and Benchers had as their special guest for luncheon Mr. James C. MacDonald, Director of the Bar Admission Course, who is leaving that position as of 30th June, 1975. The Treasurer made a presentation to Mr. MacDonald on behalf of Convocation.

CONVOCATION RESUMED AT 2:30 P.M., A QUORUM BEING PRESENT

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE — Mr. Griffiths

The Committee met on Tuesday, 17th June, 1975, at 2:30

p.m., the following members being present: Messrs. Griffiths (Chairman), Carthy, Levinter and Wallace.

1. ENDORSEMENT CHANGES TO POLICY

The question of coverage for so-called "innocent partners" was discussed last March with representatives of J. H. Minet & Co. when it was agreed that underwriters would be asked to accept an amendment to the terms of the insurance to retain the protection innocent partners have in fact enjoyed though the policy wording has not been clear on the point.

The Committee had before it a letter dated 14th May, 1975 from Minet's reporting that underwriters had approved amending the policy as follows:

> "8. SUBROGATION:
>
> In case of payment of loss by the Insurer hereunder, the Insurer shall be subrogated to the Insured's right of recovery against any other person for such loss and the Insured shall execute all papers required and shall cooperate with the Insurer to secure such rights. The Insured shall do nothing after loss to prejudice such rights. In the event that the Insured has been required to pay part of any settlement or judgment in respect of which the Insurer has paid and the net income recovered pursuant to the Insurer's subrogated right, after deducting the costs of recovery, is not sufficient to provide a complete indemnity for both Insurer and Insured, that amount shall be divided between the Insurer and the Insured in the proportions in which the cost of settlement or of satisfying a judgment has been borne by them respectively. The Insurer shall not by way of subrogation to the rights of an Insured, seek to recover from another Insured, except to the extent that the Insurer has been prejudiced by the failure of such Insured to comply with the terms of this policy.
>
> 9. ACTION AGAINST INSURER:
>
> No action shall lie against the Insurer unless, as a condition precedent thereto, the Insured shall have fully complied with all the terms of this policy except where such failure to comply shall not have prejudiced the rights of the Insurer; nor until the amount of the Insured's obligation to pay shall have been finally

> determined either by judgment against the Insured after actual trial or by written agreement of the Insured, the claimant and the Insurer."

The Committee approves of these amendments.

A member of the Committee raised the question whether innocent partners are covered if there has been fraud on the part of a member or employee of which they had no knowledge. The Secretary has been instructed to raise the matter with Minet's.

2. FIRST QUARTERLY REPORT ON VOLUME CLASS OF CLAIMS

The Secretary placed before the Committee the first quarterly report on the volume and class of claims.

The total number of claims reported is 104, made up of the following classifications:

Real Estate	56
Liens & Chattel Mortgages	6
Commercial Transactions	6
Estate and Wills	3
Matrimonial	1
Limitations Missed (and not in above)	32
	104

3. INQUIRY RE OBLIGATIONS TO PAY DEDUCTIBLE

A member and a former employee of his firm have each written to the Society raising questions as to the former employee's liability to pay the deductible when he has been negligent during his work with the firm. The question whether primary responsibility for paying the deductible rests on the employee or on the firm is to be determined by the arrangements made within the firm. A judgment creditor can look to each member of the firm for payment.

In answer to the question whether the Society will compel a solicitor to pay a deductible for which he is responsible the Committee points out that as a matter of discipline the Society may intervene if a member fails to honour a financial obligation in connection with his practice.

The Secretary has been instructed to write expressing these views and answering further questions which have been posed to clarify the practice the Insurers have followed under the policy.

4. MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS, PROPERTY RIGHTS DIVISION — LETTER AND FORMS

Under the Personal Property Security Registration system the Ministry of Consumer and Commercial Relations has been using a form entitled "Notice of Error" to advise solicitors when the requirements of the computerized system have not been fully satisfied by the information given in an intended registration. Some solicitors upon receiving the "Notice of Error" have assumed that it indicated that a claim might arise affecting the Errors and Omissions Insurance and have notified the adjusters even though the so-called error may mean no more than that the computer is unable to deal with the information given to it, without negligence on the part of the solicitor being in any way involved. The Secretary discussed the matter with Mr. Thomas Rundle, the Registrar, who wrote reporting that in future instead of sending out a "Notice of Error", he will send the Registrant a copy of the financing statement with a notation in the following words:

> "We are sending a copy of this registration to you as a courtesy, to bring to your attention a condition (as indicated) of which you may not be aware. If it is your opinion that the condition may affect the validity of the registration, you can register an amendment. The amendment form and a Guide to its preparation are available at any branch office."

The Committee approves of this action.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Mr. Pallett presented the Report of the Professional Conduct Committee.

The Committee met on 12th June, 1975 at 9:30 a.m., the following members being present: Messrs. Maloney (Chairman), Evans, Vice-Chairman), Carrier, Cartwright, Fennell,

R. J. S. Gray, Krever, Lochead, Ogilvie, Pallett, Seagram, Wallace, Mrs. Sutherland and Mrs. Tait.

1. The following item appeared on the Committee's May Report to Convocation and was referred back by Convocation:

> A Toronto lawyer has presented the following situation to your Committee:
>
> Our firm was retained last October by two partners, X and Y, carrying on the business of a service station and auto repair shop, in order to defend an action brought against them for work allegedly performed negligently upon an expensive sports car.
>
> The problem was the fault of one of the partners, X, the mechanic.
>
> In or about December of 1974 the partnership was dissolved and X assumed the business and its liabilities.
>
> Examinations for discovery were held recently and the case for the defendants was severely shattered. The defendant, Y, not a mechanic has now indicated to me that he wishes to bring third party action or to take similar appropriate measures against his former partner on the grounds that firstly, it was X who caused the problem and secondly, X assumed all the liabilities of the business in any event. X meanwhile has indicated that he desires that another lawyer represent him in this action. My questions are as follows:
>
> 1. After we refer Y to another solicitor, to which party do we transfer the file.
>
> 2. Is it proper for us to refer Y to another solicitor forthwith and to brief him on Y's intentions.
>
> The Committee instructed the Secretary to advise the solicitor that he should seek the consent of both X and Y or their counsel as the case may be, to deliver copies of the file to both of them, there being excluded therefrom only material that in the judgment of the solicitor, might be prejudicial to X or Y, perhaps as being of a confidential nature. If such consent cannot be obtained, then he should do nothing with respect to the file and simply await the commencement of proceedings.

The Committee after considering this question has now instructed the Secretary to advise the solicitor that he should give ten days' notice in writing to both X and Y or their counsel as the case may be, that he intends to make copies of the file in question and deliver them to both parties. In giving the ten days' notice, the Committee was of the opinion that this would provide ample opportunity for either side to take legal steps to prevent the release of the file.

2. A Toronto lawyer proposes to open a branch office in this City. He has advised the Society that:

> There is a young man whom he wishes to hire as a part time law clerk, who will remain in that office to receive "walk-in" clients, and arrange appointments for him. He will also do other clerical duties, as well as carry on his own business of rendering book-keeping services to various neighbourhood businesses and lawyers.
>
> He wishes to make this clerk a Notary Public, so that he may swear affidavits and perform other notarial duties.
>
> The office premises which he seeks are presently occupied by this young man and are next door to another lawyer, who has threatened to report him to the Law Society, should he open an office right next door to his. He intends to spend certain specified hours in the branch office in order to facilitate his clients in that area and, of course, any new clients who may wish his services.

The Committee has instructed the Secretary to advise that on the facts as disclosed approval as to the operation of the branch office cannot be granted.

By this answer to this inquiry, the Committee is not to be construed as suggesting that branch offices should in general be prohibited. The Committee felt here that the lawyer's proposal was substantially one that involved the sharing of office premises with a person who would be supplying various services to the public at large. The possibility of fee splitting, steering, and the public being misled into thinking that the proposed notary public was a lawyer was also considered.

3. RULING 3

The Committee considered the request for an opinion from The Thunder Bay Law Association. Apparently, a local trust company wishes to publish a lawyers' telephone book with the names, addresses and telephone numbers of all lawyers in the City of Thunder Bay. It is understood that there would be a modest crest with the company's name on the cover of the book. The Committee was advised that in all probability this book would be for the profession only. However, there would be no control exercised by the law association over its distribution. The Committee was asked whether there would be any objection to this publication. The Secretary was instructed to advise that there would be no objection.

4. A British Columbia lawyer has written to the Society with respect to what he considers to be an obligation on the part of new lawyers to protect the account of those who preceded them in acting for a particular client. It is suggested that when dealing with other lawyers in British Columbia acting for the same client, it could properly be expected that they would not act until any account rendered by the first law firm had been properly secured.

The Committee is of the view that there is no obligation to protect a preceding lawyer's account. When advising the British Columbia lawyer with respect to this opinion the Secretary was instructed to make reference to Chapter X, Paragraph 11 of the Code of Professional Conduct of the Canadian Bar Association which was adopted in principle by the Society in March 1975 and which reads as follows:

> "Before accepting employment the successor lawyer should be satisfied that the other approves or has withdrawn or has been discharged by the client. It is quite proper for the successor lawyer to urge the client to settle or take reasonable steps towards settling or securing any outstanding account of the other lawyer, especially if the latter withdrew for good cause or was capriciously discharged. But if a trial or hearing is in progress or imminent, or if the client would otherwise be prejudiced, the successor lawyer should not allow any outstanding account to interfere with his acting for the client."

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE
—Mr. H. E. Harris

Mr. Seagram, Vice-Chairman, presented the Report of the Libraries and Reporting Committee.

The Committee met on Thursday, 12th June, 1975, at 3:00 p.m., the following members being present: Mr. Seagram (Vice-Chairman), Mr. Shepherd, Mrs. Tait, Mr. Wallace and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

A donation was received from R. M. Church, Barrister and Solicitor, Toronto, of a total of 16 texts for addition to the library or for use as duplicates.

MIDDLETON LIBRARY

The preparation of an application to The Law Foundation of Ontario for a grant to acquire and rebind the Middleton Library books was to stand over to the September meeting of the Committee.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Law Associations listed below have sent in their Annual Returns for 1974. The amounts of grants payable under the Regulation in 1974 and 1975 are as follows:

	1975	*10% Penalty for Late Filing*	*1974*
Durham Region	2,000.00	2,000.00	
		200.00	1,800.00
Frontenac	2,000.00		2,000.00
Hastings	2,000.00		1,915.00
Lambton	2,000.00	1,845.00	
		184.50	1,660.50*
Lanark	1,145.00		1,110.00
Muskoka	935.00		910.00
Norfolk	1,062.83		919.67
Parry Sound	750.00		750.00

*Paid in 1975

Perth	1,460.00	1,565.00
Prescott & Russell	750.00	750.00
Rainy River	750.00	750.00
Stormont, Dundas & Glengarry	1,215.00	1,110.00
Sudbury	2,000.00	2,000.00
Wellington	2,000.00	2,000.00

All but one of the County Law Associations have submitted the Annual Returns for 1974.

Approved subject to the approval of the Finance Committee.

SUB-COMMITTEE ON GRANTS

The Committee recommends that the Chief Librarian prepare an application to the Trustees of The Law Foundation of Ontario applying for an amount of money which will enable the staff of the Great Library to establish a central purchasing system for the administration of the $200,000 already made available to the Law Society by the Foundation for the County Law Libraries outside of the Judicial District of York, the amount of the new grant to be approved by the Chairman of the Committee before the application is submitted to the Foundation.

INSPECTION—ESSEX COUNTY LAW LIBRARY

The Chief Librarian reported that she had made an inspection of the Essex Law Library on 9th and 10th May, 1975. The question of acquiring text books was left to the Chief Librarian and the Sub-Committee on Grants.

REPORTING

PRINTING OF CITATIONS IN THE ONTARIO REPORTS

The Committee noted that the compromise to be worked out between Canada Law Book Limited and Mr. Justice Arnup concerning the citations of reported cases and the citations of statutes and amendments in Reasons for Judgment has not been finally resolved.

WESTERN LEGAL PUBLICATIONS LTD.—REPORTING SERVICE FOR UNREPORTED DECISIONS

Mr. Frederick Brown appeared before the Committee and made a submission for a grant in order to establish the publishing of unreported decisions of the Court of Appeal, Divisional Court, Supreme Court and County Courts in Ontario. Mr. Justice Arnup appeared as a guest of the Committee and explained the cost of producing the "blue pages" in the Court of Appeal office and suggested that the speed with which the "blue pages" are published in the Ontario Reports should continue to be a prime requirement in order to keep the profession apprised of the most recent Reasons for Judgment in the Court of Appeal. This matter was to stand over until the September meeting.

TENDER BY CANADA LAW BOOK LIMITED FOR PUBLISHING ONTARIO REPORTS

The Committee recommended that the tender of Canada Law Book Limited for the publishing of the Ontario Reports for the fiscal year July 1, 1975 to June 30, 1976 be referred to the Finance Administrator to be carefully checked so that it complies with the contract which the Society has with Canada Law Book Limited. Subject to the review of the Finance Administrator the Committee recommends the approval of this tender which excludes the cost of the "blue pages" and the new list maintenance charge.

Mr. Cartwright was not present, took no part in the discussion and did not vote. Mr. Krever abstained from voting.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Mr. Lochead presented the Report of the Unauthorized Practice Committee.

The Committee met on Thursday, 12th June, 1975, at 3:00 p.m., the following members being present: Messrs. Strauss (Chairman), Cartwright, Cass and Fennell.

The Secretary was instructed to investigate an advertisement concerning the incorporation of companies for a fee of $249.

A letter from a solicitor concerning a conveyancer acting on a real estate transaction was referred to counsel to continue his investigation.

A letter from a solicitor was before the Committee concerning a client who had been advised by Seaway Divorcing Service. The Secretary was instructed to advise the solicitor that there is one conviction against Seaway Divorcing Service and several outstanding summonses.

A letter from a solicitor reporting on an immigration consultant who had advised one of her clients was before the Committee. The Secretary was instructed to write to the solicitor and point out that in view of the six-months limitation period having expired, it was not possible to prosecute for unauthorized practice.

The Committee considered a letter from a solicitor complaining about the threatening tone of a letter sent to a client by a collection company. The Secretary was instructed to refer the letter to the Registrar of Collection Agencies at the Ministry of Consumer and Commercial Affairs.

The Committee considered a letter from the Algoma District Law Association complaining that legal advice was to be given in a newsletter which was being circulated in Sault Ste. Marie. The Secretary was instructed to advise the President of the said law association that there was insufficient evidence to commence a prosecution for unauthorized practice under Section 50 of The Law Society Act.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Mr. Pepper presented the Report of the Special Committee on J. Shirley Denison Bequest.

The Committee met on Friday, 13th June, 1975 at 10:30 a.m., the following members being present: Messrs. Sheard (Chairman) and Pepper.

APPLICATIONS

The Committee considered four applications and recommended that grants be made to three applicants.

The Committee recommended that further information respecting the fourth applicant's circumstances be obtained, at the Fund's expense, before the Committee makes its recommendation with respect to a grant.

THE REPORT WAS ADOPTED

RULING 35—REQUEST OF THE HONOURABLE LEO A. LANDREVILLE

The Treasurer placed before Convocation a letter from The Honourable Leo A. Landreville requesting the approval of Convocation to permit him to practice in courts.

It was moved, seconded and carried that the express approval of Convocation be given to the request of The Honourable Leo A. Landreville.

ANNUAL MEETING

The Treasurer outlined plans for the Annual Meeting of the Society at a time and place other than the time and place of the mid-winter meeting of the Ontario Section of the Canadian Bar Association.

CONVOCATION ROSE AT 3:50 P.M.

Read in Convocation and confirmed 19th September, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION

(ABRIDGED)

Friday, 19th September, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé (following his election), Carnwath, Carthy, Cartwright, Cass, Common, Cooper, Farquharson, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, W. G. Gray, Ground, Henderson, Krever, Mrs. Legge, Messrs. Levinter, Maloney, O'Brien, Ogilvie, Pallett, Pepper, Salhany, Seagram, Sheard, Shepherd, Shibley, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace, White, Willoughby, Wilson and Zahoruk.

MINUTES

The Minutes of Special Convocation of 19th June, 1975 and of Convocation of 20th June, 1975 were read and confirmed.

ELECTION OF BENCHER

A vacancy was caused in Convocation by Stephen Borins assuming judicial office. Judge Borins was sworn in on 3rd September, 1975. Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act, 1970.

It was moved, seconded and carried that Mr. J. Albert Brulé of Toronto be elected a Bencher to fill the vacancy in Convocation.

Mr. Brulé entered Convocation and was welcomed to the Bench by the Treasurer.

APPOINTMENTS TO STANDING COMMITTEE

It was moved, seconded and carried that Mr. J. Albert Brulé be appointed a member of the Legal Education Committee.

It was moved, seconded and carried that Mr. R. J. Carter be appointed a member of the Admissions Committee.

It was moved, seconded and carried that Messrs. Nathan Strauss and R. E. Shibley be appointed members of the Policy Section of the Professional Conduct Committee.

It was moved, seconded and carried that Messrs. J. D. Carnwath and Bernard Shaffer be appointed a member and a non-Bencher respectively of the Legal Aid Committee.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

At the meeting of the Legal Aid Committee held on 9th July, 1975, the Committee elected the following:

LEGAL AID COMMITTEE Chairman — J. D. Bowlby; Vice-Chairmen — W. D. Griffiths, G. E. Wallace.

Prior to assuming judicial office, Stephen Borins had been Vice-Chairman of the Professional Conduct Committee and that Committee's Policy Section. Convocation adjourned to permit a meeting of the Professional Conduct Committee for the purpose of electing a Vice-Chairman to succeed him.

Convocation then resumed and received the Report of the Professional Conduct Committee as follows:

PROFESSIONAL CONDUCT COMMITTEE (and Policy Section):
Vice-Chairman — B. H. Kellock.

SPECIAL COMMITTEE ON FACILITIES OF GREAT LIBRARY

It was moved, seconded and carried that the Special Committee on the Facilities of the Great Library be reconstituted a Special Committee of the Society consisting of Mr. N. MacL. Rogers as Chairman and Messrs. Carthy, Farquharson and Shepherd.

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Horace Krever, Chairman, presented the Report of the Legal Education Committee of its meeting on 20th August, 1975.

The following members were present: Mr. Horace Krever, Chairman, Mr. G. D. Finlayson, Vice-Chairman, Messrs. Griffiths and Shibley, Mrs. Tait and Mr. Collins-Williams.

BAR ADMISSION COURSE EXAMINATION AND GRADING

The present policy reads that the candidate fails the teaching term who:

1. fails three courses (note: the section on Law Office Organization and Procedure, and the section on Legal Aid are only half courses); or

2. fails two courses and obtains less than a 60% average in all written examinations.

It was suggested that the multiple choice examinations lead to higher marks and that part 2 of the present policy be revised to read:

3. fails two courses and obtains less than 65% average in all written examinations.

The Committee recommends that the matter stand for further consideration.

BAR ADMISSION COURSE STUDENT ATTENDANCE IN SEMINARS

The Committee recommends that the experiment of making attendance at seminars voluntary be discontinued and that attendance be compulsory on the basis that existed before the experiment began.

THE REPORT WAS ADOPTED

Mr. Krever presented the Report of the Legal Education Committee of its meeting on 11th September, 1975.

The following members were present: Mr. Horace Krever, Chairman, Mr. G. D. Finlayson, Vice-Chairman, Messrs. Griffiths, Ground and Salhany, and Mrs. Tait.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments (Toronto and Ottawa)

It is recommended that the following appointments be made for the teaching term which commences September 8th, 1975:

(a) Real Estate & Landlord and Tenant Section:
To continue as Head of the Section, D. H. L. Lamont.

Group Instructors (Osgoode Hall):

P. A. Adams,
D. A. Allport,
M. H. Appleton,
L. D. Barsky,
T. H. Bjarnason,
D. B. Black,
Mrs. Moira L. Caswell,
J. C. Dean,
Leonard Fine,
John Freyseng,
D. G. Friend,
R. W. Gardner,
L. M. Hess,
R. A. Hummel,
K. N. Karp,
Miss Miriam A. Kelly,

A. C. Knox,
B. J. M. Lorenz,
D. J. Mackey,
H. D. Marks,
D. J. McRae,
Paul Merrick,
David Milman,
M. J. Mitchell,
M. J. Mowbray,
Miss E. Carol Peifer,
R. W. J. Seyffert,
Chris Stoyan,
P. H. G. Walker,
Peter White.

Group Instructors (Ottawa):

Abraham Feinstein,
D. H. Hill,
R. E. Murray,
B. S. Pearl,
J. P. Watson.

Stand-By Instructors (Osgoode Hall):

C. H. Foster,
M. T. Garvey,
E. N. Merkur,
V. M. Saccucci,
W. R. Stevenson,
R. C. Watt,
C. F. Winer.

Stand-by Instructors (Ottawa):

Daniel Kimmel,
Robin Ritchie,
F. G. Tanner.

(b) Accounting and Analysis of Financial Statements Section:

To continue as Head of the Section, J. C. Vincent, C.A.

Group Instructors (Ottawa):

Brian Barrington, C.A.,
J. P. Gregory, C.A.,
W. C. V. Johnson,
J. J. Lisowski, C.A.

Stand-by Instructors (Ottawa):

Wayne Brownlee, C.A.,
Alan Freed, C.A.

(c) Civil Procedure II Section:

To continue as Head of the Section, W. D. Griffiths; to continue as Assistant Head of the Section, J. W. O'Brien.

Group Instructors (Ottawa):

J. R. M. Gautreau,
W. R. Hunter,
R. J. Kealey,
D. L. McWilliam,
James Reid.

Stand-by Instructors (Ottawa):

H. W. Pearl,
P. A. Weber.

Approved

Bar Admission Course Examinations and Grading

The present examination and grading policy provides that a candidate fails the teaching term who

(1) fails three courses, or
(2) fails two courses and obtains less than a 60% average in all written examinations.

This examination and grading system included the further provision that the section on Law Office Organization and Procedure and the section on Legal Aid were treated as half courses for determining the number of failures in the course. A decision was made some time ago that in the teaching term 1975-76 no examination would be given in Law Office Organization and Procedure. This leads to the result that for the coming teaching term we would have ten and one-half courses to take into account in the examination and grading system. We could, of course, accommodate the existing grading policy to this circumstance but rather than so doing it is recommended that we offer no examination in Legal Aid. This then would leave ten examinations to be written over the course of the year and would afford to the students a simple grading system, namely, that a student fails only by failing three of the examinations or by failing two of the examinations and obtaining less than a 60% average in all ten written examinations.

Taking all of the foregoing considerations into account, it is recommended that there be no written examination in the Legal Aid section of the Bar Admission Course during the present teaching term, with the result that the present examination and grading policy will have application in the current year as above set out.

Approved

Students Taking Extra-Curricular Academic Courses While Attending the Teaching Section of the Bar Admission Course

The Committee had before it three letters from students entering the teaching section of the Bar Amission Course who wish to take concurrently with the teaching section of the Bar Admission Course academic courses at their former law schools.

The Committee recommended that two students be advised that permission is granted to them to pursue their academic programs provided that they so arrange their schedules that nothing interferes with their attendance at lectures and seminars in the Bar Admission Course and that the third student's request stand for further information.

Continuing Education Programme in Criminal Law

In July and August two five-day courses in Criminal Law were presented by the Department of Continuing Education on behalf of the Federation of Law Societies of Canada.

The success of these courses has been exceptional. Full credit for this must be given to the expertise and hard work of Mr. Robert J. Carter and Mr. Clay M. Powell, and the members of their enthusiastic committee all of whom are active members of the Criminal bar. Following the decision of the Federation of Law Societies of Canada at its annual meeting in Quebec on August 26th last, Mr. Carter and Mr. Powell and the other members of their committee met with the Director to discuss the future of the extended programmes in Criminal Law. They are most eager and anxious to go ahead with plans already made to present a third course in Substantive Criminal Law. They believe that the area of law which they are dealing with requires input and presentation on a national basis and believe that the course must be given not only in the Province of Ontario but elsewhere in Canada. They appreciate, of course, that the Law Society of Upper Canada could present a course under its auspices in another province only with the assent, co-operation and participation of that other province.

It is recommended that Mr. Carter and Mr. Powell and their committee be asked and encouraged to proceed with the Continuing Education work in the area of Criminal law under the auspices of the Law Society of Upper Canada with the foregoing terms of reference.

Approved

DATE FOR CALL TO THE BAR CEREMONY, 1976, OTTAWA

It is suggested that the call to the Bar ceremony take place for those attending the Course in Ottawa on 12th April, 1976, in Ottawa.

Approved

ESTIMATES 1975-1976

The estimates for the year were before the Committee.

Approved

THE REPORT WAS ADOPTED

MOTIONS—THE HON. WARREN ALLMAND, P.C., SOLICITOR GENERAL OF CANADA

(a) CALL TO THE BAR

It was moved, seconded and carried that pursuant to Section 1 of The Barristers Act, R.S.O. 1970, c. 39, The Honourable Warren Allmand, Solicitor General of Canada, be called to the Bar of Ontario on Friday, 19th September, 1975, without complying with the rules of the Society as to admission, examination, payment of fees, or otherwise.

(b) HONORARY MEMBERSHIP

It was moved, seconded and carried that pursuant to Rule 48(1) under The Law Society Act, 1970, The Honourable Warren Allmand, Solicitor General of Canada, be made an honorary member of the Society until such time as he may wish to assume active practice within the province.

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented that part of the Report of the Admissions Committee of its meeting on 11th September, 1975, which deals with Call to the Bar.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidates having successfully completed the Sixteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210 applied for Call to the Bar and to be granted Certificates of Fitness:

John Frederick Fagan
Stephen Ray Richardson

Approved

CALL TO THE BAR FOR OCCASIONAL APPEARANCE

The Committee recommended that *Real Charbonneau* of the Province of Quebec be allowed to proceed under Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor.

Approved

THAT PART OF THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Warren Allmand
John Frederick Fagan
Stephen Ray Richardson
Real Charbonneau

FINANCE COMMITTEE—Mr. Shepherd

Mr. A. E. Shepherd, Chairman, presented the Report of the Finance Committee of its meeting on 11th September, 1975:

The following members were present: Messrs. Shepherd (Chairman), Fennell, W. G. Gray, Ground, Henderson, Ogilvie, Pepper and Sheard.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Arthur James Fuller, Oakville	Called — 25 March 1966 Appointed Provincial Judge, Family Division, Judicial District of Halton — 4 August 1975
Norris Weisman, Toronto	Called — 26 March 1965 Appointed Provincial Judge, Family Division, County of York — 4 August 1975
Gordon Eric McTurk, Q.C., Barrie	Called — 9 June 1949 Appointed District Court Judge, Judicial District of Hamilton-Wentworth — 17 July 1975
Stephen Borins, Downsview	Called — 7 April 1961 Appointed District Court Judge, Judicial District of Peel — 17 July 1975

Ernest Frederick West, Kitchener	Called — 14 September 1953 Appointed Distict Court Judge, Judicial District of Peel — 17 July 1975
Patrick Joseph LeSage, Q.C., Toronto	Called — 19 April 1963 Appointed District Court Judge, Judicial District of York — 17 July 1975
James Bonham Strange Southey, Q.C., Toronto	Called — 21 June 1951 Appointed Judge S.C.O., High Court of Justice — 25 July 1975
Anthony William Maloney, Q.C., Thunder Bay	Called — 25 June 1953 Appointed Judge S.C.O., High Court of Justice — 25 July 1975
Paul Stanley Glowacki, Thunder Bay	Called — 16 June 1967 Appointed Judge, Federal Court of Canada, Appeal Division — 29 July 1975

Deaths

The following members have died:

John Donald Miskew, Windsor	Called — 17 March 1967 Deceased — 4 May 1975
John Alphonse Grace, Q.C., Ottawa (Life Member)	Called — 21 October 1920 Deceased — 11 June 1975
Harold Lloyd Osborne, Simcoe (Life Member)	Called — 7 February 1924 Deceased — 2 May 1975
Hershel William Gryfe, Toronto	Called — 22 March 1974 Deceased — 16 June 1975
Aurèle Chartrand, Q.C., Ottawa	Called — 19 February 1931 Deceased — 21 May 1975
George Harold Shannon, Q.C., Kincardine	Called — 18 October 1928 Deceased — 27 June 1975
Ronald Jasper Reid, Q.C., Cambridge	Called — 14 September 1951 Deceased — 30 June 1975
Forbes Begue Geddes, Jr., Q.C., Essex	Called — 17 September 1925 Deceased — 9 July 1975
Manny Spring, Toronto	Called — 20 June 1935 Deceased — 18 April 1975

Andrew Stuart Beaubien, Oakville	Called — 22 March 1974 Deceased — 28 June 1975
Edgar Fraser Raney, Q.C., Dunnville (Bencher ex officio — Life Member)	Called — 13 September 1912 Deceased — 1 August 1975
William Russell Burnett, Q.C., Toronto	Called — 16 June 1938 Deceased — 13 August 1975
Kenneth George Chomut, Thunder Bay	Called — 20 March 1975 Deceased — 26 June 1975
Noorali Premji Dhanani, Toronto	Called — 20 March 1975 Deceased — July 1975
Lt.-Col. Norman Roy Robertson, Q.C., Walkerton (Life Member)	Called — 7 July 1910 Deceased — 9 August 1975
A. Bernard Collins, Q.C., Belleville (Life Member)	Called — 14 September 1912 Deceased — 20 August 1975
Denis O'Dea Mungovan, Q.C., Toronto	Called — 16 September 1948 Deceased — 12 August 1975
Wilbert George Welby, Q.C., Hamilton	Called — 16 September 1926 Deceased — 25 August 1975
Wilfred Eustace Bonneville, Q.C., Port Hope	Called — 18 November 1926 Deceased — 29 August 1975
Michael John Devine, Q.C., Ottawa	Called — 17 September 1936 Deceased — 3 August 1975

Disbarment

The following former member has been disbarred and struck off the Rolls and his name has been removed from the Rolls and Records of the Society:

Remington White, Beaverton	Called — 21 June 1934 Disbarred — Convocation, 19 June 1975

Noted

MEMBERSHIP RESTORED

The Honourable Dalton Courtwright Wells, Q.C., gave notice under Section 31 that he had retired as Chief Justice of the High Court of Justice for Ontario and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored effective 15 July, 1975. He is eligible for Life Membership this year.

Noted

CHANGE OF NAME

Edith Birkenbaum, a Student Member, requested that her name be changed on the Rolls of the Society to *Edrea Edith Heather Birk.*

Marion Elizabeth Lane Irvine, a Student Member, requested that her name be changed on the Rolls of the Society to *Marion Elizabeth Lane,* her maiden name.

Approved

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

Morris Pomer of Nassau, Bahamas, who is 65 years of age and fully retired from the practice of law and other employment, requested consideration of his application to continue his membership in the Society at a reduced annual fee of $25.

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society during 1975:

William Kitchen Brown, Q.C., Port Colborne
Stanley Murray Chown, Renfrew
Kenneth Andrew Christie, Q.C., Toronto
Frederick Arthur Dashwood, Scarborough
John Nickle Davis, Smithville
Thomas Joseph Day, Q.C., Toronto
Foster Bullivant Eddy, Q.C., Hamilton
Beverley Vallack Elliot, Q.C., Toronto
Alexander Michael Ferriss, Q.C., Penetang
Franklyn Wood Fisher, Q.C., Toronto
Harrison Gordon Fraser, Q.C., London
Archie Francis Gignac, Q.C., Windsor
George MacDonald Grant, Q.C., Windsor
Donald Percy Guthrie, Q.C., Toronto
Ivan Clayton Harries, Q.C., Toronto
John Keith Henry, Q.C., Toronto
John Ross Hetherington, Q.C., Toronto
Harry James Holland, Q.C., Windsor
Louis S. Hyman, Q.C., Florida, U.S.A.
Frederick Kent Jasperson, Q.C., Kingsville
Toner Anthony McDonald, Braeside
Allan Bertram Moore, Cobourg
Newton Johnson Powell, Q.C., Toronto
James Leith Ross, Jr., Toronto

Walter Mills Rowland, Q.C., Toronto
William McMaster Thompson, Jr., Q.C., Barrie
John O'Meara Trepanier, Q.C., Brantford
Harold McMonies Vance, Q.C., Hamilton
The Hon. Dalton Courtwright Wells, Q.C., Toronto
Roland Frederick Wilson, Q.C., Toronto
Alfred Morris Wootton, Q.C., Whitby
Clarence Laverne Yoerger, Q.C., Toronto

Approved

OSGOODE HALL FENCE

The cost of repairing the section of the fence which blew over during a windstorm on 25th February, 1975, will be $30,240. The Society's insurers have accepted our claim for $24,735 and have paid this amount less $250 deductible.

Noted

BENCHERS' DISBURSEMENTS

Where Benchers use their own cars on Law Society business they are reimbursed at the rate of 15¢ per mile. The Committee was asked to consider an increase in this rate in view of the higher costs of car operation. The Government of Ontario has just increased its rate to 18¢ per mile and the Federal Government to 18½¢ per mile. It was recommended that the Society pay 18¢ per mile and that the same rate be applied to employees who use their cars on Law Society business.

Approved

CANADIAN BAR ASSOCIATION, ONTARIO BRANCH

The Law Society for many years was host to a reception and luncheon at the mid-winter meeting of the Canadian Bar Association, Ontario Branch, and at the luncheon the Treasurer delivered a resumé of the Society's activities during the preceding year. When the Law Society was required to hold an annual meeting, it was decided to hold this at the same time as the Canadian Bar Association mid-winter meeting. This practice has continued up until the present time. However, this year the Society's annual meeting will not coincide with the Canadian Bar Association mid-winter meeting but it has been suggested that the Socitey continue to tender a reception and luncheon. The mid-winter meeting of the Canadian Bar Association, Ontario Branch is scheduled for Saturday, February 14th, 1976.

On the instructions of the Chairman, the Secretary determined from Mr. John Griner that approximately 300 members might be expected to attend and the estimated cost is $3,000. The Chairman has approved this expenditure and the Committee was asked to ratify his action.

Approved

THE REPORT WAS ADOPTED

Mr. Shepherd presented the Report of the Finance Committee of its meeting on 17th September, 1975.

The following members were present: Messrs. Shepherd (Chairman), W. G. Gray, Ground, Ogilvie, Pallett and Pepper. The Treasurer, Mr. Stuart Thom, also attended.

ANNUAL FINANCIAL STATEMENT

The Financial Statement for the year ending 30th June, 1975, as prepared by the Society's auditors, Clarkson, Gordon & Company, was before the Committee for consideration.

Approved

BUDGET 1975-76

The Committee had before it the estimates of the Standing Committees for 1975-76.

Noted

ANNUAL FEES

The Committee recommends that the Annual Fee applicable to the 1975-76 fiscal year be $175.

THE REPORT WAS ADOPTED

MOTION—ANNUAL FEE 1975-76

It was moved, seconded and carried that the annual fee for 1975-76 be $175.

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT (#1)

Mr. R. Ian Cartwright, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on 11th September, 1975.

The following members were present: Mr. Cartwright (Vice-Chairman), Mr. Krever and Mrs. R. Sutherland.

SUB-COMMITTEE ON REVIEW OF PROCEDURES IN THE LIGHT OF RECENT DEFALCATIONS

The Committee received a report of this sub-committee dated 10th September, 1975.

(The Report of the Sub-Committee was before Convocation but only the following portion was considered by Convocation. The Sub-Committee was appointed in March 1975 and composed of Messrs. Finlayson (Chairman), Carrier, Ground, Kellock and Pallett. The Sub-Committee met on 2nd July and 10th September, 1975. Mr. Robert L. Anderson, the Society's Chief Investigative Officer was present on both occasions.)

. . . . .

> "Being aware that the estimates for the ensuing year are being prepared, the members felt it advisable to render this interim Report.
>
> Mr. Anderson has informed the members that in his opinion the most common problem encountered is still overdrawn trust ledger accounts which are apparent from an examination of the trust records themselves. Not as common, and less apparent, are improper charges made against trust ledger accounts, the significance of which cannot be appreciated without a detailed analysis of all trust ledger accounts and a cross-reference to clients' files. Many of these improper charges can be subsequently remedied by the solicitor. Without a full audit being made of these solicitors' records and the clients' files it is impossible to subsequently determine that improper charges have been made. Mr. Anderson stated that at the present time he is a year behind in directed audits i.e., those that have been directed by the Chairman or Vice-Chairman as a result of complaints being made to the Society or some irregularity coming to the attention of a member of the secretariat or auditing staff. It is your sub-committee's opinion that Mr. Anderson needs additional staff so that more frequent and fuller audits might be conducted.
>
> It is therefore recommended that two additional Chartered Accountants be added to Mr. Anderson's staff. It is further recommended that consideration be given to charging off a portion of their salaries to the Compensation Fund in an amount reflecting the extent that their services relate to the Fund."

. . . . .

ESTIMATES

When considering the Estimates for the ensuing year, the Committee was mindful of the recommendation of the above-mentioned Sub-Committee with respect to the addition of two chartered accountants to the investigative staff of the Society and the auditing staff portion of the Estimates was increased accordingly.

DISPOSITION OF FILES THAT HAD BELONGED TO FORMER SOLICITORS AND WHICH ARE PRESENTLY IN THE SOCIETY'S POSSESSION

For various reasons over the years the Society has taken into its quarters at Osgoode Hall files of disbarred lawyers. The space situation is fast becoming critical. It has therefore been decided to appoint a sub-committee to be named by the Chairman to look into the problem and to recommend a way of disposing of these files.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Cartwright presented the Summary of the Compensation Fund for the period ended June, 1975.

COMPENSATION FUND

For the Period 1st July, 1974 to 30th June, 1975
(12 months)

TOTAL RECEIPTS	$ 268,437.71
TOTAL DISBURSEMENTS	207,231.41
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 61,206.30
BALANCE OF FUND 1st July 1974	1,313,918.82
BALANCE OF FUND 30th June 1975	$1,375,125.12

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 30th June 1975	$2,132,618.10
TOTAL PAID to 30th June 1975 from the commencement of the Fund on account of 909 claims against 94 former solicitors	$3,389,715.00

THE SUMMARY WAS RECEIVED

GENERAL REPORT (#2)

Mr. Cartwright presented the General Report of the Policy Section of the Discipline Committee of its meeting on 18th September, 1975.

The following members were present: Mr. Cartwright (Vice-Chairman) and Messrs. Cooper, Furlong, O'Brien and Mrs. Sutherland.

After due consideration of the present position of the Compensation Fund, the Committee recommended that the levy for the ensuing year be maintained at $20.

THE REPORT WAS ADOPTED

MOTION — COMPENSATION FUND LEVY 1975-76

It was moved, seconded and carried that the Compensation Fund levy for 1975-76 be $20.

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 9th July, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Cass, Chadwick, Cherniak, Fairbairn, Levinter, Linden and Wallace.

Also in attendance were Dean D. L. Johnston, Professor A. W. Bryant and D. J. Askew, Faculty of Law, University of Western Ontario; Associate Dean R. W. Ianni, Faculty of Law, University of Windsor; Kenneth G. Ouellette, Area Director, Essex County; and Mrs. Lorraine Watson, Liaison Officer, Hamilton Pilot Project.

SUB-COMMITTEE ON LEGAL AID TARIFFS

The Committee recommended that all existing sub-committees appointed to deal with matters relating to the Legal Accounts Department be dissolved, that one Sub-Committee be appointed to deal with such items as:

(i) Any advice with respect to settling accounts where required.

(ii) Recommended changes to the tariffs and regulations.

(iii) Processing solicitors' accounts including computerizing certain fee items under the tariffs.

and that the Sub-Committee be composed of: G. D. Finlayson, G. E. Wallace and Richard E. Shibley.

LAY PERSONS ON THE LEGAL AID COMMITTEE

Some 43 organizations, Area Directors and Area Committees wrote the Provincial Director recommending lay persons to be appointed by the Attorney General to serve on the Legal Aid Committee. The names of the nominees together with their dossiers were forwarded to the Attorney General on 1st July, 1975, requesting him to select ten persons for lay representation on the Legal Aid Committee.

SUB-COMMITTEE ON PUBLIC INFORMATION

Recommendation 75 of the Task Force Report reads as follows:

> "Legal Aid Ontario should advertise its availability and should also undertake an educational programme to inform members of the public of their rights and remedies."

The Committee recommended that a Public Information Sub-Committee be appointed with the following members: A. M. Linden, Chairman; E. A. Cherniak, L. S. Fairbairn, Richard E. Shibley, John B. Allen.

The Sub-Committee will review all aspects of the Plan's Public Relations and also assist the Sub-Committee implementing the Legal Advice and Assistance Project in Peterborough in deciding the necessary communication proposals with respect to the programme.

LEGAL ADVICE AND ASSISTANCE PROJECT — PETERBOROUGH

Peterborough County was selected by the Committee in 1972 as the most suitable area for a pilot project in a Legal Advice and Assistance Programme. In December, 1972, the Peterborough Law Association gave unanimous approval, in principle, to implementing within that County such a project. The programme contemplates:

(1) Direct access to the Plan through the offices of all participating lawyers;

(2) The elimination of the Area Director's discretion in minor legal matters requiring 1½ hours of a lawyer's billable time, and up to 3 hours in certain circumstances;

(3) The direct determination of financial eligibility for legal aid in minor matters by participating lawyers in accordance with a limited means test.

Proposals were obtained from three major advertising companies for the design of a complementary communications programme which would not only give effect to the objectives of the programme but display appropriate sensitivity to the task involved. It is not the purpose of this programme to "advertise" legal services, but to communicate information about the facilities of the Plan and its manner of operation in a way which will ensure that those who are in need of summary legal advice will, in fact, secure such aid expeditiously.

In October, 1973, the Government elected to postpone the project due to the appointment of the Task Force.

In January, 1975, the Task Force Report was made public and the Chairman of the Legal Aid Committee requested approval from the Attorney General to proceed with all Law Society Pilot Projects which had been held in abeyance pending the receipt of the said Report. In April, 1975, the Attorney General wrote the Chairman as follows:

> "The Legal Advice and Assistance Project having been commended by the Task Force should be proceeded with, subject of course to any financial issues which might arise from the updating of the cost of the proposed project."

During the months of May and June, 1975, steps were taken to reactivate the Legal Advice and Assistance Programme in Peterborough.

The Committee reviewed a time schedule which if implemented will result in the project being operative by October 15th, 1975.

LEGAL AID CLINICS

In April, 1975, Convocation approved that the Hamilton Clinic Pilot Project be extended to Ottawa, London and Windsor. It was subsequently suggested by the Committee that any extension of the clinical project should include not only the setting up of rosters of Civil Duty Counsel but where appropriate utilizing the existing Law School Clinics. A salaried solicitor might also be appropriate where the need is demonstrated.

To facilitate the extension of the Hamilton Project an updated report on the Hamilton Project was prepared. The highlights of the report are as follows:

(1) The number of people attending the clinic has remained remarkably constant averaging approximately 94 persons per month over the thirty-one month period that the clinic has been surveyed.

(2) 63% of the applicants at the clinic have required summary advice only while another 14% have re-

quired some follow-up assistance from the Duty Counsel.

(3) 23% of those persons applying for assistance at the Clinic have required the assistance of the duty counsel in making a formal application for legal aid.

(4) Telephone enquiries have increased from approximately 1600 in 1973 to over 2000 for 1974. It appears from preliminary figures that this figure may exceed 3000 for the current year. Telephone enquiries appear to be an important area in the dispensing of summary advice.

(5) Although advertising of the clinical facilities has ceased the number of people attending the clinic has not diminished and in fact the number of telephone enquiries is increasing rapidly.

(6) In civil cases handled by the Duty Counsel where a legal aid certificate is issued the client has the right to choose his own solicitor; however the interviewing Duty Counsel may take the case. In early 1973, approximately 65% of the clients chose their own solicitor while only 30% chose the civil Duty Counsel. In the first four months of 1975 these figures have changed dramatically and it now appears that 40% of the clients are choosing the Duty Counsel to continue with their case while 48% are seeking their own solicitor.

Dean D. L. Johnston and Professor A. W. Bryant, Faculty of Law, University of Western Ontario, and Associate Dean R. W. Ianni, Faculty of Law, University of Windsor, were invited to the meeting to discuss the role of the Law School Clinics as they would relate to the establishment of the Hamilton Pilot Project in their respective centres.

A number of problems were reviewed and discussed in depth. It was decided that a Special Meeting of the Legal Aid Committee should be held to discuss the several issues that have been raised.

OTTAWA PILOT PROJECT

The Director received correspondence from the Area Director, Ottawa-Carleton County, with reference to tentative changes in the operation of the Ontario Legal Aid Plan in that area.

The Committee approved not only the change in the present location of the Legal Aid Office to a location in the Ottawa

Lower Town district but also approved that a Student Legal Aid Clinic from the University of Ottawa be relocated in the new office at 126 York Street to assist in the operation of the Clinic and also in the new Legal Aid office itself.

AREA COMMITTEE — RESIGNATIONS

WELLINGTON COUNTY

Mr. Richard Parker, M.S.W., The Children's Aid Society, Guelph.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee of its meeting on 28th July, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Cass, Cherniak, Fairbairn, Finlayson, Harris, Linden, Shibley and Wallace.

Also in attendance at the meeting were Dean David Johnston and Professor A. W. Bryant, Faculty of Law, University of Western Ontario; Associate Dean R. W. Ianni, Faculty of Law, University of Windsor; Peter Harris, Director of Legal Assistance of Windsor; Mrs. G. J. Grant, Area Director, Middlesex County; K. G. Ouellette, Area Director, Essex County; and David Clancy, Deputy Area Director, Ottawa-Carleton.

LEGAL AID CLINICS

In April, 1975, Convocation approved that the Hamilton Clinic Project be extended to Ottawa, London and Windsor. It was subsequently suggested by the Committee that any extension of the clinical project should include not only the setting up of rosters of Civil Duty Counsel but where appropriate utilizing the existing Law School Clinics. A salaried solicitor might also be appropriate where the need is demonstrated.

On July 28th, 1975, the Committee, after discussion with Dean David Johnston, Faculty of Law, University of Western Ontario, and Associate Dean R. W. Ianni, Faculty of Law, University of Windsor, approved the following:

That an extension of the Hamilton Pilot Propect to London and Windsor include not only assistance through Civil Duty Counsel Rosters but utilize the existing off-campus Law School Clinics. A salaried solicitor will also be retained in each Clinic. This recommendation will take effect initially for a one year period commencing September 1st, 1975, after which period of time its effectiveness will be assessed.

Considering all the financial factors in setting up a pilot clinic with the Student Legal Aid Clinics there will be no further expense involved in having the Student Legal Aid Clinics share the same premises. The salaried lawyer will supervise the administration for which The Ontario Legal Aid Plan is responsible and the salaried Professor paid by the University will supervise the administration for which the Student Legal Aid Clinic is responsible. It is felt that the proposed amalgamation of the extended Hamilton project with the Student Legal Aid Clinic will be beneficial in a City which has a University Law School. To set up a clinic which separates itself from the Student project might create confusion and the amalgamation should eliminate competition.

The Committee recognizes the importance of the role played by the Student Legal Aid Societies which have statutory authority under the Legal Aid Act and Regulation and have been funded through the Plan. The Committee believes that this funding should continue separately and apart from funds required for the operation of off-campus Law School Clinics in Windsor and London, which will be amalgamated with the aforementioned pilot project clinics.

PARALEGALS

The administration of the Legal Aid Plan have been asked to participate in helping design a course in social advocacy operated through several community colleges. Assistance has been requested to ensure:

(i) That the paralegal has sufficient grounding in law to do the tasks he undertakes, and

(ii) That he does not undertake work which should be done by the legal profession, and

(iii) To suggest what Legal Aid would expect of a paralegal.

The Committee recommended that this matter be deferred until a meeting had been held between the Chairman of the Legal Aid Committee, the Chairman of the Legal Education Committee and the Chairman of the Unauthorized Practice Committee.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee of its meeting on 5th August, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Chadwick, Fairbairn, Ferrier, Finlayson, Harris, Linden, Shibley and Wallace.

R. E. Mountain, Solicitor, Stratford, was also in attendance representing the Perth County Law Association.

REFUSAL RATES IN CERTAIN LEGAL AID AREAS

At the July, 1975 meeting the Committee enquired as to why Certificate refusal rates varied so drastically from area to area. Mr. John B. Allen, Assistant Provincial Director, submitted a report.

After discussion, the Committee recommended that a subcommittee be appointed to prepare an information sheet for the use of Area Directors when submitting their weekly statistical returns to the Provincial Office since the method of reporting statistics such as informal applications and refusals varies from area to area. Before such an information sheet is formalized it should be sent to the Area Directors for their consideration.

The Sub-Committee consists of W. R. Donkin, Area Director, York County, and J. B. Chadwick, Area Director, Ottawa-Carleton District.

APPOINTMENT TO LEGAL AID COMMITTEE

A. W. Maloney, Q.C., Thunder Bay, a non-Bencher member, was recently appointed a Judge of the High Court of Justice of the Supreme Court of Ontario.

The Committee recommended that Bernard Shaffer, Q.C., Thunder Bay, be appointed a non-Bencher member of the Committee to fill the vacancy.

BACKLOG OF ACCOUNTS

Mrs. A. C. R. Rosenthal, Legal Accounts Officer, drew to the Committee's attention the decrease of 1,200 in the backlog of solicitors' unpaid accounts.

At its meeting in April, 1975, the Committee had approved the hiring of an extra legal accounts examiner. The Legal Accounts Officer attributed the decrease to extra staff.

The Committee approved the hiring of another accounts examiner in the hope that the said backlog will be eliminated by the end of December, 1975.

The Committee referred to the Tariff Committee the Legal

Accounts Officer's request that Section 117 of the Regulation be amended in order to dispense with the necessity of holding a solicitor's account for ten days to allow him to submit any objections to the settlement and request a review. The amendment will permit increasing the number of cheque issuance days from two per month to whatever is necessary. The amendment would also assist in reducing the backlog.

OTTAWA-CARLETON PILOT PROJECT

At its August 5th, 1975 meeting, the following proposals were submitted to the Committee for consideration to implement and complete the Ottawa Pilot Project:

(1) The hiring of a full-time Solicitor to generally supervise the operation of a Legal Aid Clinic, the Clinics operating outside the Legal Aid office, and the Students and the Duty Counsel in the Ottawa area;

(2) Doing away with the Assessment Officers of the Ontario Department of Family and Social Services. The Legal Aid office will do its own assessment by way of preparation of a detailed application and assessment form to be used internally by their staff.

The Committee recommends:

(1) That James B. Chadwick, Area Director, Ottawa-Carleton, supervise the operation of the Legal Aid Clinic by utilizing Civil Duty Counsel;

(2) That a Sub-Committee be appointed consisting of James B. Chadwick, Solicitor, and Shane Watson, Solicitor, Assistant to the Provincial Director, to further investigate the feasibility of eliminating the role of the Ministry of Community and Social Services in determining the financial eligibility of applicants.

Any such arrangements, if approved, would be on the basis of a 6 month pilot project.

PAYMENT OF COSTS OUT OF FUND TO UNASSISTED PERSONS

It was suggested that a sub-committee be appointed to hear oral submissions made by a solicitor when an application is made to the Legal Aid Committee for payment out of the Fund under Part VII of the Regulation of costs awarded by a court. Section 130 of the Regulation reads as follows:

> "The Director shall refer an application under Section 129 to the Legal Aid Committee which shall make such disposition thereof as to it appears just, including payment out of the Fund of the whole or any part of such costs."

G. E. Wallace, Vice-Chairman, was of the opinion that an applicant has the right under the existing legislation to be heard by the full Committee. The Committee concurred.

APPOINTMENT OF AREA DIRECTOR, REGION OF DURHAM (ONTARIO COUNTY)

George K. Drynan, Q.C., Area Director in the Region of Durham, has retired due to illness. Joel Palter, Solicitor, Oshawa, has been recommended to succeed Mr. Drynan.

The Committee recommended the appointment of Mr. Palter.

FUNDING — STUDENT LEGAL AID SOCIETIES

On Saturday, July 19th, 1975, the representatives of the six Student Legal Aid Societies met in Windsor and John B. Allen, Assistant Provincial Director, attended the meeting. It was agreed that the funds for this current fiscal year which are included in the Plan's budget totalling $120,000, should be distributed in two ways according to a formula. It was agreed by the Students that the annual base operating costs of each Student Society is $10,500. On this basis it was agreed that the first $63,000 of the said funds should be divided equally among the six Student Societies. It was thus felt that these funds should be distributed immediately in view of the urgent requirements of the Student Legal Aid Societies.

As to the balance of the funds ($57,000) there is no agreement among the Deans and the Student representatives. The Committee was cognizant of the fact that one of the effects of the recommendations made by the Committee in July, 1975, with regard to combining the Hamilton Clinical Project with the Windsor and London Law School Clinics has been to divert $19,000 out of the said $57,000 which would otherwise have been paid to the Student Legal Aid Societies.

The Committee approved that $63,000 be immediately divided among the six Student Legal Aid Societies but that a decision as to the balance of the funds be deferred until the matter has been discussed with the Deans and representatives from the Student Legal Aid Societies.

REPORT OF SUB-COMMITTEE ON PUBLIC INFORMATION

The Sub-Committee on Public Information met on 28th July, 1975, to discuss what recommendations should be made with respect to implementing a Public Information Programme for the Legal Aid Plan and subsequently submitted its Report. The Committee approved the recommendations contained therein as follows:

> "1. This Sub-Committee being a part of the Legal Aid Committee should not attempt to formulate or express a position on the recommendations of the Task Force Report. It should be left to the Law Society to develop its own response to the Report of the Task Force, and the Legal Aid Committee (and hence this Sub-Committee) should confine its efforts to informing the public and the profession as to the present scope and administration of the Legal Aid Plan.
>
> 2. The Provincial Director and staff should be encouraged to develop and continue their intended plan of regularly publishing for the legal profession a Legal Aid Bulletin containing useful information for the practising Bar about the administration of the Plan.
>
> 3. The Legal Aid Plan and the Law Society should undertake to jointly employ or engage an experienced person in the field of public information at the earliest opportunity. The nature of this appointment would recognize that the extent and scope of Legal Aid's operations clearly justify a salaried person and there are at the same time aspects of the affairs of the Law Society which also warrant that initiative. Such a joint retainer would serve both interests, without prejudice to either."

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended that the following be appointed members of the respective area committees for:

LANARK COUNTY

Mr. Peter Sinclair, Perth, Ontario

VICTORIA AND HALIBURTON COUNTIES

Mr. P. Gwyn Thomas, Victoria County Children's Aid Society, Lindsay
Mr. Ian McEachern, Solicitor, Lindsay
Mr. J. William Evans, Solicitor, Lindsay

WITH THE EXCEPTION OF the Report of the Sub-Committee on Public Information which was *received,*

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee of its meeting on 10th September, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Fairbairn, Ferrier, Finlayson, Griffiths, Linden and Wallace.

REVISED ESTIMATE OF COSTS FOR FISCAL YEAR 1975-76

The Controller submitted a copy of the summary of the revised estimate of costs for the fiscal year 1975-76 which was presented to the Ministry of the Attorney General on the 29th of August, 1975.

SURVEY OF LEGAL AID AREA DIRECTORS' OFFICES (EXCLUDING YORK COUNTY) — RE: SERVICE TO PUBLIC AND ADMINISTRATIVE COSTS

At the request of the Director, John R. Sheeler submitted a report dated September 8th, 1975, wherein he reviewed the performance of each legal aid area as to the legal aid service to the citizen within each area and the administrative costs.

The Committee was of the view that a study on the merits of regionalization should be conducted by the Provincial staff with a view to making recommendations and, if necessary, at the appropriate time to seek the assistance of experts to complete the study.

PARKDALE COMMUNITY LEGAL SERVICES — INTERIM FUNDING

In February, 1975, S. R. Ellis, Director, Parkdale Community Legal Services, met with and delivered to the Provincial Director a letter to which was attached a monthly breakdown of salaries and operating expenses for the Community Legal Services programme from 1st April, 1975 to 30th September, 1975. The total monthly operating expenses of

Parkdale Community Legal Services were estimated to be $17,362.

At its meeting in March, 1975, the Committee approved interim funding in the sum of $17,362 per month for Parkdale Community Legal Services for the period commencing April 1st, 1975, to continue until September 30th, 1975.

Mr. Ellis submitted through the Deputy Director a new estimate of costs for Parkdale for the six-month period commencing October 1st, 1975.

The Committee discussed this matter and were of the opinion that interim funding for Parkdale Community Legal Services should be continued for a period of three months only commencing October 1st, 1975, in the same amount of $17,362 per month. The Controller advised that Parkdale had received from the Legal Aid Fund in the six-month period of April 1st, 1975 to September 30th, 1975, a total of $86,810. Mr. Ellis had advised that this was sufficient to meet actual expenses for the six-month period. The Committee was of the opinion that if it was to continue financing Parkdale Community Legal Services, the Ministry of the Attorney General must give a clear mandate to the Law Society as to both legislative authority and funding.

MEETING WITH ATTORNEY GENERAL

The Attorney General met with the Chairman and the Treasurer of The Law Society of Upper Canada on Tuesday, 5th August, 1975.

LEGAL AID PANELS

In June, 1975, Convocation approved a report calling for a revision of panels of solicitors under Legal Aid so as to give applicants more information on the experience and practice of the individual solicitors. The report recommended the following:

(a) Area Directors to be given permission to establish active and passive lists, with only the active lists being regularly available to the public;

(b) Separate active lists should be created for criminal, matrimonial, and civil matters other than matrimonial causes;

(c) Following each lawyer's name on the active list should be the name of his firm, its address, the number of lawyers in the firm, the firm telephone, and the year of the lawyer's call to the Bar.

(d) The necessary information to complete the new form of panels should be obtained by circularizing the Bar in the areas affected as soon as possible.

(e) The lists should first be restructured as suggested above in Toronto.

W. R. Donkin, Area Director, York County, submitted a draft letter to Committee to be forwarded to members of the Bar of the Judicial District of York.

The Committee now recommends that the revised panels should also include the number of criminal and/or civil certificates which a solicitor has accepted for the prior fiscal year.

The Committee approved the correspondence and requested Mr. Donkin to forward the above-noted letter to all members of the Bar in the Judicial District of York after Convocation had reviewed the matter.

LEGAL AID CLINICS — LONDON AND WINDSOR

In April, 1975, Convocation approved that the Hamilton Clinic Project be extended to London and Windsor. It was further recommended that any extension of the said clinical project include not only the setting up of rosters of civil duty counsel but utilize existing off-campus law school clinics.

On September 2nd, 1975, the Windsor project was commenced. Shane Watson, Solicitor, a member of the Provincial staff, has been temporarily assigned the position of salaried solicitor in the Windsor Clinic to supervise the administration for which The Ontario Legal Aid Plan is responsble.

In London a salaried solicitor was retained who had been associated with Professor A. W. Bryant, Director of the London off-campus law school clinic. However, the solicitor withdrew from the position of salaried solicitor for the Law Society when it became absolutely clear to him that he must restrict his administrative responsibilities to the supervision of that part of the clinic for which The Ontario Legal Aid Plan is responsible.

Because of the misunderstanding the University law school clinic through Professor A. W. Bryant withdrew from the clinical pilot project at this time.

The London project was to have commenced the week of September 15th, 1975. The Area Director, Gretta J. Grant, London, will advise the duty counsel roster that the clinical project in that city has been postponed until further notice.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended that the following be appointed a member of the Area Committee for the

MANITOULIN AND SUDBURY DISTRICTS

Richard A. Pharand, Solicitor, Sudbury

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:15 P.M.

Following his Call to the Bar and the swearing in ceremony before the Chief Justice of Ontario and other members of the Supreme Court of Ontario, The Honourable Warren Allmand returned to join the Bench in Convocation, and was the guest of the Treasurer and Benchers at luncheon.

CONVOCATION RESUMED AT 2:30 P.M.

MOTION — RULE 47 (new)

It was moved, seconded and carried that Rule 47 of the Society be deleted and replaced by a new Rule 47 as follows:

47(1) There shall be a Standing Committee known as the Legal Aid Committee composed of 30 members. 19 of the members from time to time including the Chairman or Chairwoman and Vice-Chairman or Vice-Chairwoman shall be members of The Law Society of Upper Canada appointed by Convocation annually or until their successors are appointed. 12 of the members appointed by Convocation shall be Benchers of The Law Society of Upper Canada. In addition to such 19 members a member of a Student Legal Aid Society shall be appointed annually by Convocation. 10 of the members shall be persons who are not members of The Law Society of Upper Canada appointed by the Lieutenant Governor-in-Council annually or until their successors are appointed. An imbalance in the proportional membership of the Committee from time to time shall not invalidate its proceedings.

(2) The Treasurer is *ex officio* a member of the committee.

(3) The Committee is responsible to Convocation for the supervision of the Ontario Legal Aid Plan under the Legal Aid Act.

(4) The Committee shall hold,

(a) regular meetings once in each month, other than July and August, and at least once in the period of July and August;

(b) special meetings as may be required from time to time by the Chairman, Vice-Chairman or secretary of the Committee;

(c) The Chairman or Chairwoman or in his or her absence the Vice-Chairman or Vice-Chairwoman shall have a vote in all questions before the Committee and in the event of an equality of votes shall have the casting vote.

Quorum

(5) Nine members present at a meeting of the Committee constitute a quorum for the transaction of business.

Vacancies

(6) Where a vacancy in the Committee occurs among the members who are appointed by The Law Society of Upper Cnada the vacancy may be filled at the next special Convocation if the special Convocation is held before the next regular Convocation but if the special Convocation is not so held the vacancy shall be filled at the next regular Convocation. Until such vacancy is filled the Committee shall continue to be deemed to be regularly constituted as if such vacancy had not occurred provided the required quorum is present at meetings.

(7) Where a vacancy in the Committee occurs among the members who are not appointed by The Law Society of Upper Canada the vacancy shall be filled by order of the Lieutenant Governor-in-Council provided, however, that until such a vacancy is filled the Committee shall continue to be deemed to be regularly constituted as if such vacancy had not occurred provided the required quorum is present at meetings.

(8) The Legal Aid Committee as constituted at the date of the coming into force of this rule shall continue and its members shall continue in office until the appointment of the new Committee by Convocation and the Lieutenant Governor-in-Council has been made as hereinbefore provided.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meeting on 28th July, 1975.

The following members were present: Messrs. Cooper (Chairman), Carnwath, Carrier, Cartwright, Cass, Furlong, Gray, Ground, Humphrey, Kellock, Mrs. Legge, Messrs. Linden, Lochead, Ogilvie, Strauss, and Mrs. Sutherland.

1. Ruling 3 — Touting, Advertising and Soliciting

A lawyer who was called to the Bar last March, finding that his practice was slow, consulted the Committee about the possibility of his becoming a mortgage broker in the employ of a mortgage brokerage firm. It would be his intention to continue his sole practice as a barrister and solicitor, devoting as much time as is necessary to serve the interests of whatever clients came his way.

The Committee instructed the secretary to advise that it was of the view that it would be improper for the lawyer to be employed in a mortgage brokerage firm at the time that he was also practising law, since this would be contrary to the provisions of Ruling 3.

2. Mr. W. D. Crone, Registrar, The Real Estate and Business Brokers Act, has requested a ruling as to whether or not it would be deemed proper for a practising lawyer to be registered as a real estate broker. Apparently he has received several inquiries in this connection from members of the profession over the past few months.

The Committee was of the opinion that it would be improper for a practising lawyer to be registered as a real estate broker, since one cannot professionally sell real estate without dealing with people who ultimately as vendors and purchasers would require legal services. If such people then became clients of the real estate agent-lawyer, the latter could find him/herself continually involved in situations where there were potential conflicts of interest.

3. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

The Insurance Claims & Appraisal Directory Inc. has requested approval of The Insurance Claims & Appraisal Directory (Ontario Edition) as a vehicle for the placing of lawyers' cards, the publisher having agreed to abide by the guidelines that have been previously laid down. The Committee has granted approval provided that the publisher replaces the heading "Insurance Counsel" with "Counsel" at the top of the section listing the lawyers in Ontario who have their names in the publication and that the term "insurance counsel" not be used in any of the cards published.

4. The Committee was advised that the secretary has been contacted by lawyers who have stated that some law firms in Toronto acting for the purchasers have been requesting that immediately prior to the closing of real estate transactions in Land Titles the vendors' lawyers supply affidavits in blank with respect to executions. In Land Titles, if a vendor has a name similar to that set out in a writ or writs of execution, the vendor completes an affidavit wherein he or she attests to the fact that they are not one and the same person or persons named in the executions bearing certain numbers. The execution numbers themselves do not form part of the body of the affidavit, but rather are set out at the top of the page in a paragraph "Re execution numbers . . .". One of the lawyers when speaking to the secretary indicated that he feels that this practice is becoming relatively widespread and was of the opinion that the profession's attention should be drawn to the impropriety of dealing with affidavits in this fashion.

The Committee, being concerned that any members of the profession may be engaged in the practice herein set out, recommends that an item appear in the Communiqué wherein the Society's strong disapproval is expressed.

THE REPORT WAS ADOPTED

Mr. Cooper presented the Report of the Professional Conduct Committee of its meeting on 11th September, 1975.

The following members were present: Messrs. Cooper (Chairman), Carnwath, Carrier, Carter, Cass, Farquharson, Fennell, Furlong, R. J. Gray, Ground, Henderson, Humphrey, Krever, Mrs. Legge, Messrs. Ogilvie, Seagram, Mesdames Sutherland and Tait, and Messrs. Tobias and Wallace.

1. PROFESSIONAL CONDUCT HANDBOOK

The Committee was informed that there are presently on hand 133 Handbooks. In this year's Bar Admission Course there are approximately 850 students. Each year a copy of the Handbook is given to each student. The Committee instructed the Secretary to order 1,000 copies at a total price of $2,300. It is felt advantageous to keep the supply at a minimum because there will in all probability be revisions made when the report of the Committee's "Sub-Committee to Consider Code of Professional Conduct — Canadian Bar Association" is received.

There has been a practice in the past when the Society is asked for individual copies of the Handbook to sell them at a price which reflects a per unit cost to the Society. The Committee has authorized that a price of $2.30 per copy be charged.

2. A lawyer requested advice with respect to an application that he had received from a party who wished to be employed as a legal secretary. Apparently the applicant is presently on parole having been sentenced to six years on a charge of having conspired to commit murder. The applicant apparently also faces a charge of possession of a narcotic contrary to the Narcotics Act.

The Committee was of the opinion that there was nothing improper in the lawyer hiring the party in question.

3. LEGAL REPLACEMENT SERVICES LIMITED

The Company Law Branch of the Ministry of Consumer and Commercial Relations, forwarded to the Committee copies of the first two pages of the articles of incorporation for a company with the proposed name of "Legal Replacement Services Limited". The Committee is asked whether the name and objects are acceptable to the Society. The objects are as follows:

> "(a) To carry on in all of its branches the business of a placement service for lawyers, law clerks, title searchers, patent agents, court agents, investigators, photographers, secretaries, typists, receptionists, stenographers, legal librarians, court reporters, interpreters, articled students, and all types of paralegal personnel; and
>
> (b) To furnish individuals and commercial, professional, industrial and other firms, businesses, associations, and corporations of all kinds and governments and municipalities and their agencies and commissions, with such

> personnel and with consulting and personnel services related thereto."

The Secretary was instructed to advise that the Committee was of the opinion, that the objects should be amended to remove any implications that the proposed company could provide lawyers on an "office overload basis" or be the supplier of part-time legal advisers.

4. A lawyer placed the following question before the Committee and asks what should be done in such a situation:

> "When a client indicates to his lawyer that he intends applying for a grant from the Province of Ontario (in this case, under the Act to provide for the payment of grants to a first-time home buyer) where in order to obtain such a grant he must state in the application that neither he nor his spouse owned a housing unit anywhere, and the client says that he had in fact owned a housing unit outside of Ontario, and was going ahead with the application, notwithstanding the lawyer firmly pointing out to him that he was not qualified to receive the grant."

The lawyer goes on to point out that he did not take part in making out the application, and in fact the application form had been given to the client prior to his telling the lawyer that he had in fact owned a housing unit outside of Ontario.

The Committee was of the view that in situations such as this the lawyer should advise the client that the latter's course of action was wrong, and that the lawyer should cease to act for the client. The Committee felt, however, that the lawyer was not obliged to inform the appropriate Government office.

THE REPORT WAS ADOPTED

Mr. Cooper presented the Report of the Professional Conduct Committee of its meeting on 19th September, 1975, prior to Convocation.

The following members were present: Messrs. Cooper (Chairman), Bowlby, Carnwath, Furlong, Henderson, Krever, Mrs. Legge, Messrs. Ogilvie, Seagram, Shibley, Mesdames Sutherland and Tait, and Mr. Tobias.

PARALEGAL SERVICES INC.

The Senior Solicitor of the Company Law Branch of the Ministry of Consumer and Commercial Relations asked the Committee for its views as to the acceptability of the above name for a proposed corporation. The Committee is of the view that the name is unacceptable as it might confuse the public.

The Senior Solicitor also requested the Committee's views with respect to the objects which are as follows:

> "to prepare, record, sell, rent and generally deal in abstracts of title to real property; provided that certificates of title or any guarantees whatsoever of title to real property shall not be given; and further provided that the Corporation shall not have the power to undertake practice of law.
>
> To act as agents to the legal profession in any manner whatsoever including, without limiting the generality of the foregoing, filing, in any government or other office or place, and serving documents, gathering documented or other information at any government or other office or place, acting as agents in Small Claims Court; provided that the Corporation shall not have the power to undertake the practice of law."

Concurrent with this the solicitor who seeks the incorporation requested an opinion as to the propriety of his being employed by the proposed company. He indicated that the company would be carrying on business doing legal research as well as agency work for lawyers. He assured the Committee that the company would at no time perform any professional work that would come under the sole jurisdiction of a barrister and solicitor. The Committee is of the opinion that it would be improper for the lawyer to be employed by the proposed company since the proposed venture would permit the solicitor to carry on some aspects of his practice of law through a corporation.

THE REPORT WAS ADOPTED

LIBRARIANS AND REPORTING COMMITTEE

— Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Salhany, Mrs. Tait, Mr. Wallace and Miss A. R. McCormick.

GREAT LIBRARY

BUDGET

The budget for the fiscal year 1975-76 was approved after a lengthy discussion.

GIFTS AND DONATIONS

The following donation to the Great Library has been received: A total of 39 volumes from D. P. Coatsworth, Barrister and Solicitor, Toronto.

COPYING MACHINE

The Committee considered complaints from solicitors concerning the two coin-operated copying machines in the Great Library. After a lengthy discussion concerning the proposal of Xerox of Canada Limited, the Committee recommends that a Xerox 4000 (coin-operated) be leased by the Great Library. The Great Library offers copying services to out-of-town and local firms at 15¢ per page plus a handling charge of $1.00 per 25 pages for local lawyers.

COUNTY LAW LIBRARIES

MUSKOKA DISTRICT LAW ASSOCIATION

A total of 12 volumes of early statutes of Canada which were missing from the collection in the Muskoka District Law Library were recently supplied to it by the Great Library.

PERTH COUNTY LAW ASSOCIATION

An inspection of Perth County Law Association was made on August 12th, 1975. This library was found to be in generally good condition but very weak in texts. The association has acquired new furniture for its library and lawyers' lounge. The library provides a good source of basic primary materials for the area.

SUB-COMMITTEE ON GRANTS

The Committee approved the following as the Sub-Committee on Grants to County Law Libraries: Mr. Salhany (Chairman), Mr. Farquharson, Mrs. Tait, Mr. Wallace, Mr. Willoughby and Mr. Zahoruk.

The Chief Libarian reported that the application to the Trustees of The Law Foundation of Ontario for $36,000.00, which will enable the staff of the Great Library to administer the central book purchasing system for the administration of the $200,000.00 grant which has been made to the Law Society by the Foundation for the County Law Libraries outside of the Judicial District of York, was approved by the Trustees.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the remainder of the Report of the Admissions Committee of its meeting on 11th September, 1975.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. Cass, Finlayson, R. J. Gray, Krever, Sheard, Mrs. Sutherland and Mr. White.

ADMISSIONS OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 568 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1975.

A total of seven candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1974. Two applied under Regulation 26(5) and five applied under Regulation 4(1).

Approved

DIRECT TRANSFERS

The Committee considered applications from three members of the British Columbia Bar for direct transfer to practise in Ontario. All three sought permission to proceed under Regulation 4(1) and one wished to attend the teaching portion of the Bar Admission Course in lieu of writing the transfer examination. All three applications were approved.

DIRECT TRANSFER FROM QUEBEC

An application for direct transfer to practise in Ontario from a member of the Quebec Bar was considered by the Committee. The applicant requested permission to proceed under Regulation 4(2). The application was approved.

BAR ADMISSION COURSE — TEACHING PERIOD

Two applicants sought permission to enter the current teaching portion of the Bar Admission Course. One had written the transfer examination this year but was unsuccessful. The other had failed to complete the requirements for registration in the Bar Admission Course but has now satisfied these requirements. Both applications were approved by the Committee.

REPORT OF THE EXAMINING BOARD

The report of the Examining Board respecting the examinations held in September 1975 was before the Committee. Two candidates sat the examinations. One passed and one failed. The report was approved.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Mr. S. E. Fennell, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on 11th September, 1975.

The following members were present: Messrs. Fennell (Chairman), White (Vice-Chairman), Carnwath, Cartwright, Cass, Mrs. Legge, Messrs. Furlong, Ogilvie, Pallett and Tobias.

The Committee considered several letters of complaint from solicitors concerning advertisements in various newspapers concerning incorporation of companies for $110 or $250 plus government fees and disbursements. The Secretary was instructed to retain counsel to investigate these various advertisements and if there is sufficient evidence of unauthorized practice to commence a prosecution under Section 50 of The Law Society Act.

The Committee considered a report from counsel investigating a conveyancer in Norwood, Ontario. The Secretary was instructed to retain counsel for a further investigation and if sufficient evidence was available to prosecute under Section 50 for unauthorized practice.

The Committee considered a letter from a solicitor complaining about a notary public in Toronto doing conveyancing work. The Secretary was instructed to retain counsel and if sufficient evidence was available to commence a prosecution under Section 50 of The Law Society Act.

The Committee considered a letter from a solicitor in Bolton, Ontario concerning a notary public in Arthur, Ontario, who is engaged in conveyancing activities. The Secretary was instructed to write to the solicitor and send him a brief of legal cases which indicates the nature and extent of the evidence of unauthorized practice which is required by the courts, and also to advise the solicitor of the six-months' limitation period within which a prosecution must be commenced.

Mr. Cartwright will prepare a memorandum which the Committee will consider giving a brief summary of the legal cases, the limitation period and a copy of the article on unauthorized practice in real estate transactions by John Lytle in the Gazette. When this memorandum is prepared, the Committee will consider the extent to which it will be distributed to the legal profession.

The Committee considered a complaint from a solicitor in Burlington concerning a conveyancer, immigration consultant and commissioner for oaths. The Secretary was instructed to write the solicitor enquiring whether he has further evidence of unauthorized practice.

The Committee considered a letter from a solicitor complaining about the activities of a company offering administration services to businesses in London, Ontario. The Committee instructed the Secretary to retain counsel in London to further investigate and, if the evidence is sufficient, to prosecute.

THE REPORT WAS ADOPTED

PUBLIC RELATIONS COMMITTEE—Mr. Wallace

Mr. P. B. Tobias presented the Report of the Public Relations Committee of its meeting on 10th September, 1975.

The following members were present: Messrs. Wallace (Chairman), Bowlby, Linden, Tobias and Mrs. Tait.

CANADIAN BAR ASSOCIATION — JOINT NATIONAL PUBLIC RELATIONS PROGRAMME

The Committee had before it a statement from the Canadian Bar Association indicating that the Society's share of the Joint National Public Relations Programme for 1975 amounted to $4,000 and requesting a grant in that amount. The Committee recommended that the Society continue to support for a further year the National Public Relations Programme of the Canadian Bar Association and forward the amount requested.

(It was moved, seconded and carried in Convocation that the item be approved subject to the condition that the Secretary advise the Canadian Bar Association that before any further grant will be made the Association must justify its request for funds.)

SPEAKERS — CANADIAN CLUB

Miss Apha Hodgins, who practises in Bowmanville, wrote to the Treasurer suggesting that the Society might make speakers on legal subjects available to the Association of Canadian Clubs.

The Committee recommended that a list of topics be provided and speakers supplied as suggested in Miss Hodgins' correspondence.

BROCHURE ON OSGOODE HALL

The Committee recommended that the Secretary draft a brochure about Osgoode Hall for the approval of the Committee which would be printed primarily for distribution to visitors to the Hall.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE

—Mr. Cartwright

Mr. R. Ian Cartwright, Chairman, presented the Report of the Legislation and Rules Committee of its meeting on 11th September, 1975.

The following members were present: Mr. Ian Cartwright (Chairman), Mr. W. G. Gray (Vice-Chairman), and Messrs. Farquharson, Fennell, Furlong, Krever and Mrs. Legge.

PRINTING COSTS — THE LAW SOCIETY ACT, REGULATION AND RULES

The Committee recommended the expenditure of approximately $15,000 to cover the costs of printing recent revisions of the Act, Regulation and Rules and their distribution to the profession and members of the Bar Admission Course.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST — Mr. Sheard

Mr. R. W. Cass presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 11th September, 1975.

The following members were present: Messrs. Sheard (Chairman), Cass, Pepper and Sedgwick.

APPLICATIONS

The Committee considered two applications and recommended that a grant be made to both applicants.

STUDENT APPLICATIONS

The Committee considered twelve applications from students and recommended that grants be made to eight applicants.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA — Mr. Sedgwick

Mr. W. G. Gray presented the Report of the Special Committee on Muniments and Memorabilia of its meeting on 11th September, 1975.

The following members were present: Mr. Sedgwick (Chairman), Mr. W. G. Gray and Mr. John Honsberger (Curator).

PROPOSED GUIDE

The Committee examined a draft guide to the pictures and paintings on display in the Muniments and Memorabilia Room. It was decided that an estimate should be obtained from the printers as to the cost of preparing 200 copies of the guide which would be made available to those persons touring the room.

PRESENTATIONS

Mr. Bowden L. McLean, Q.C., presented an undated postcard of Osgoode Hall which was probably made during the 1920's.

Mr. E. A. R. Newson, Q.C., presented a water colour of Osgoode Hall by Mr. Jack Martin.

Mrs. A. S. Pearson, the widow of the late A. S. Pearson, Q.C., has presented a photograph taken at a luncheon for United States and Dominion Lawyers at the Inner Temple on December 9th, 1944.

The Honourable Mr. Justice G. Arthur Martin has presented to the Society the bronze bust which was done of him by the Secretary. It is presently in the Benchers' Library.

The Honourable Mr. Justice Peter Wright has presented to the Society a number of documents which belonged to his grandfather, Mr. J. A. Robinson.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON RULING 35 OF THE PROFESSIONAL CONDUCT HANDBOOK

Convocation had before it the Report of the Special Committee on Ruling 35 of its meeting on 19th June, 1975.

The Secretary was directed to circulate the opinion of The Right Honourable J. R. Cartwright to all Benchers.

The Treasurer appointed Mr. Pepper Chairman of the Special Committee and added Mr. O'Brien.

The Report was referred back to the Special Committee for further consideration.

APPOINTMENTS TO SPECIAL COMMITTEES

The Treasurer appointed Mr. Carthy Chairman of the Special Committee on Errors and Omissions Insurance and added Mr. Kellock so that the Committee now consists of Mr. Carthy, Chairman, and Messrs. Levinter, Linden, Kellock, Shibley and Wallace.

The Treasurer added Messrs. Ground and Ogilvie to the Special Committee on Convocation and Election Procedures so that the Committee now consists of Mr. Robins, Chairman, and Messrs. Finlayson, Goodman, Ground, Ogilvie, Tobias and Wallace.

The Treasurer added Mr. Shepherd and Mrs. Legge to the Special Committee on Muniments and Memorabilia so that the Committee now consists of Mr. Sedgwick, Chairman, and Mr. W. G. Gray, Mrs. Legge, and Messrs. Shepherd and Weir.

CANADIAN LAW INFORMATION COUNCIL — SOCIETY'S REPRESENTATIVE

The Treasurer named Mr. Horace Krever to be the Society's representative to the Canadian Law Information Council in place of His Honour Judge Stephen Borins.

ANNUAL MEETING — TIME AND PLACE

It was moved, seconded and carried that the Annual Meeting of the Society for 1975 take place on Monday, 15th December, 1975, at 3:30 p.m., in Convocation Hall at Osgoode Hall.

CONFERENCE WITH COUNTY AND DISTRICT LAW ASSOCIATIONS — TIME AND PLACE

The Treasurer announced that the annual meeting with the County and District Law Associations is to be held on Monday, 15th December, 1975, beginning at 10:00 a.m. in the Third Floor Lounge at Osgoode Hall.

REMEMBRANCE DAY

The Treasurer appointed Mr. Terence Sheard as Chairman and Mr. W. G. Gray to be the Special Committee respecting the observance of Remembrance Day to be held at the Society's World War II Memorial.

It was moved, seconded and carried that the Remembrance Day Service be held on Tuesday, 11th November, 1975, at 12:30 p.m.

CONVOCATION — APRIL 1976

It was moved, seconded and carried that in April 1976 Convocation be on the 23rd of that month.

EDGAR FRASER RANEY, Q.C.

Edgar Fraser Raney, Q.C., a Bencher ex officio of the Society, died on 1st August, 1975. He was born in 1888 and called to the Bar in 1912. He became an Honorary Life Member in 1962. Mr. Raney was first elected a Bencher in 1951 and became a Life Bencher in 1966.

CONVOCATION ROSE AT 5:00 P.M.

Read in Convocation and confirmed 17th October, 1975.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION

(ABRIDGED)

Thursday, 16th October, 1975
10:30 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Carrier, Furlong, W. G. Gray, Kellock, Mrs. Legge, Messrs. O'Brien, Robins, Seagram, Sheard, Strauss, Mrs. Sutherland and Mrs. Tait.

The Treasurer requested the Secretary to determine if the quorum of fifteen Benchers necessary for disciplinary matters was present. The Secretary reported that this quorum was not present but that a quorum was present for the conduct of other business.

The Treasurer ruled that the quorum present could grant adjournments of the three disciplinary matters called for this Convocation as this did not constitute dealing with such matters.

DISCIPLINE COMMITTEE—Mr. Lochead

In the first matter, the solicitor attended with his counsel. They were advised of the absence of a quorum to deal with the matter.

It was moved, seconded and carried that the matter be adjourned to a Convocation in November 1975.

In the second matter, the solicitor attended without counsel. He was advised of the absence of a quorum to deal with the matter.

It was moved, seconded and carried that the matter be adjourned to Convocation on 17th October, 1975.

In the third matter, the solicitor did not attend. His counsel attended on his behalf. He was advised of the absence of a quorum to deal with the matter.

It was moved, seconded and carried that the matter be adjourned to Convocation on 17th October, 1975.

CONVOCATION ROSE AT 11:15 A.M.

Read in Convocation and confirmed 21st November, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 17th October, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Brulé, Carnwath, Carter, Carthy, Cass, Chadwick, Common, Cooper, Evans, Farquharson, Finlayson, Furlong, Goodman, R. J. S. Gray, W. G. Gray, Ground, Henderson, Kellock, Krever, Mrs. Legge, Messrs. Levinter, Linden, Lochead, O'Brien, Pepper, Salhany, Seagram, Sheard, Shepherd, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace, White, Williston, Willoughby and Zahoruk.

MINUTES

The Minutes of Convocation of 19th September, 1975 were read and confirmed.

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and carried that Mr. David G. Leitch, Law Student, be appointed the student member of the Legal Aid Committee.

It was moved, seconded and carried that Mr. G. F. Henderson be appointed a member of the Legal Education Committee.

ELECTION OF VICE-CHAIRMAN

Mr. Ian Cartwright having asked to be relieved of the Vice-Chairmanship of the Discipline Committee and its Policy Section, Convocation adjourned to permit a meeting of the Discipline Committee for the purpose of electing a Vice-Chairman.

Convocation resumed and received the Report of the Discipline Committee as follows:

DISCIPLINE COMMITTEE (and Policy Section):

Vice-Chairman — G. D. Finlayson.

On being elected Vice-Chairman of the Discipline Committee, Mr. Finlayson withdrew as Vice-Chairman of the Legal Education Committee. Convocation adjourned to permit a meeting of the Legal Education Committee for the purpose of electing a Vice-Chairman.

Convocation resumed and received the Report of the Legal Education Committee as follows:

LEGAL EDUCATION COMMITTEE:

Vice-Chairman — G. F. Henderson.

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and carried that Mr. G. F. Henderson be appointed a member of the Admissions Committee pursuant to Rule 36(1) under The Law Society Act which provides that the Vice-Chairman of the Legal Education Committee shall be a member of the Admissions Committee.

It was moved, seconded and carried that Mr. J. C. Pallett be appointed a member of the Admissions Committee pursuant to Rule 36(1) under The Law Society Act which provides that the Vice-Chairman of the Finance Committee shall be a member of the Admissions Committee.

APPOINTMENTS TO SPECIAL COMMITTEES

The Society names two members of the Claims Committee under its arrangement with Guardian Insurance Company of Canada. The Treasurer announced that he had named Mr. J. J. Carthy to the Committee in place of Mr. W. D. Griffiths. Mr. Brendan O'Brien is the other member.

The Treasurer advised that he had named Mr. P. C. Furlong as Chairman of the Special Committee on Prepaid Legal Costs Insurance in place of Mr. W. D. Griffiths. The other members of the Committee are Messrs. Lochead and White.

LEGAL EDUCATION COUNCIL

The Treasurer informed Convocation that he had added Mr. P. B. C. Pepper as one of the Society's representatives on the Legal Education Council. The others are Messrs. R. W. Cass, W. G. Gray, Krever, N. MacL. Rogers and Jarvis.

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Horace Krever, Chairman, presented the Report of the Legal Education Committee of its meeting on 9th October, 1975.

The following members were present: Mr. Horace Krever, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Carthy, Ground, Salhany and Shepherd.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments (Toronto and Ottawa, as indicated)

It is recommended that the following appointments be made for the teaching term which commences September 8th, 1975:

(a) Accounting and Analysis of Financial Statements Section:

To continue as Head of the Section, J. C. Vincent, C.A.

Group Instructors (Osgoode Hall):

S. M. Borraccia,
D. M. Brans,
Robert Caplan,
Joseph Cappe,
R. J. Carew,
Howard Carr,
W. P. Cipollone,
J. A. Cleary,
David Franklin,
A. M. Gans,
Philip Johnston,
Stanley Joffe,
Robert Karoly,
P. F. Marchildon,
A. F. Marshall,
Mrs. Mary Lou Parker,
W. T. Pashby,
J. W. Peace,
W. R. Rauenbusch,
R. N. Siddall,
D. S. Solomon,
Harvey Storm,
Larry Torkin,
A. B. Tulk.
Neil Harris,

Stand-by Instructor (Osgoode Hall):
R. B. Freeman.

(b) Income Tax Section:

To continue as Head of the Section, A. R. A. Scace.

Group Instructors (Osgoode Hall):

Ronald Appleby,
H. J. Alpert,
John Armstrong,
F. A. A. Baker,
D. C. Champagne,
L. G. Dollinger,
Douglas Ewens,
N. H. Harris,
P. H. Harris,
L. R. Hepburn,
C. A. Hudson,
Earl Miller,

Ronald Miller,
M. A. Mogan,
D. C. Nathanson,
A. M. Pilling,
Elinore J. Richardson,
A. M. Schwartz,
W. S. R. Seyffert,
Joel Shafer,
J. D. Sharples,
S. M. Sigel,
J. M. Solursh,
T. A. Sweeney,
Sol Spiro,
R. B. Thomas,
J. G. Ware,
Thomas Weisz,
R. G. Witterick,
T. H. Young.

Group Instructors (Ottawa):
W. J. A. Hobson,
George McKenzie,
Bernard Shinder,
G. J. Rip.
Paul Dioguardi,

Stand-by Instructors (Osgoode Hall):
W. J. Beach,
Sal Borraccia,
F. E. Cappell,
John Dingle,
Samuel Schwartz,
A. B. Waugh.

Stand-by Instructors (Ottawa):
P. de N. Richard,
L. F. O. Raphael.

(c) Family Law Section:
To continue as Head of the Section, J. C. MacDonald.
Group Instructors (Ottawa):
Mary Jane Binks Rice,
W. L. Riley,
Jon Snipper,
B. J. Manton,
Leonard Max,

Stand-by Instructors (Ottawa):
Leonard Levencrown,
M. F. Monaghan.

(d) Civil Procedure I Section:
To continue as Head of the Section, R. J. Rolls.
Group Instructors (Ottawa):
G. R. Morin,
D. W. Scott,
P. C. P. Thomson,
F. J. McDonald,
Denis Power,
James Touhey.

Stand-by Instructors (Ottawa):
Wayne Sponner,
G. P. Kelly.

(e) Estate Planning and Administration of Estates Section:
To continue as Head of the Section (Estate Planning), D. G. Fuller.

To continue as Head of the Section (Administration of Estates), J. A. Brulé.

Group Instructors (Ottawa):

J. C. Clarke, P. O. Hewitt,
H. T. McGovern, Gail Nicholls,
Elisabeth Slasor, A. R. Winship.

Stand-by Instructors (Ottawa):

R. W. Cleary, J. G. M. Hooper.

Approved.

Destruction of Examination Answer Booklets

We request the instructions of the Committee to destroy the examination answer booklets and computer cards for the 16th teaching term which ended in February 1975 with the exception of those written by the students who failed the Course.

Approved.

Resignation

We regret to report the resignation of Mr. W. D. Griffiths, who has been appointed a Judge of the Supreme Court of Ontario and a member of the High Court of Justice. Mr. Griffiths was a group instructor from the inception of the Bar Admission Course until his appointment as Assistant Head of Section in 1966. In 1968, when Mr. Justice Keith was appointed to the Bench, Mr. Griffiths succeeded him as Head of the Civil Procedure II Section.

Mr. Griffiths has suggested, and we are pleased to recommend, the promotion of Mr. J. W. O'Brien, presently Assistant Head of the Section, to Head of Section in Civil Procedure II.

Approved.

CALL TO THE BAR CEREMONIES, 1976

The Call to the Bar Ceremonies have been scheduled to take place at Toronto on 8th and 9th April, 1976 and at Ottawa on 12th April, 1976. The Committee is asked to decide whether refreshments should be served following these ceremonies.

The Committee recommended that refreshments be served.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Shepherd

Mr. A. E. Shepherd, Chairman, presented the Report of the Finance Committee of its meeting on 9th October, 1975.

The following members were present: Messrs. Shepherd (Chairman), Cartwright, Fennell, W. G. Gray, Ground, Ogilvie, Pallett and Pepper.

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Wilson David Griffiths, Q.C., Toronto	Called—21 June 1951 Appointed Judge, S.C.O., High Court of Justice — 11 September 1975
James Beecham Trotter, Q.C. Toronto	Called—29 June 1950 Appointed County Court Judge, Judicial District of York—18 September 1975

Deaths

The following members have died: —

Miss Gertrude Alford, Q.C., Trenton (Life Member)	Called—15 June 1916 Deceased—7 August 1975
Gourley Lawson Howell, Toronto	Called—16 June 1932 Deceased—8 September 1975
Livius Percy Sherwood, Ottawa (Life Member)	Called—10 June 1910 Deceased—4 August 1975
Charles Guy Robertson, Q.C., Cambridge (Life Member)	Called—22 May 1914 Deceased—30 September 1975
William Russell Weir, Dundas	Called—22 March 1974 Deceased—April 1975

Noted

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

The following members, who are sixty-five years of age or over and fully retired from the practice of law and other employment, request permission to continue their membership in the Society at a reduced annual fee of $25:

Francis Lord Hogg, Q.C., Toronto
John White, Woodstock

Approved

CHANGE OF NAME

James Karamitanis, a student member, requests that his name be changed on the Rolls of the Society to *James Gregory Karas.*

Approved

BUDGET — 1975-76

The Committee considered the Budget for 1975-76 and recommended its approval as submitted.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing one law association which has sent in its Annual Return for 1974 and setting out the amounts of the grants to which it appears to be entitled under the Rules in 1974 and 1975. The Libraries and Reporting Committee will consider this memorandum as its meeting on 9th October, 1975.

Approved subject to the approval of the Libraries and Reporting Committee.

Great Library — American Room, Carpet

The following item appeared on the agenda of the Libraries and Reporting Committee for its meeting on 9th October, 1975:

> "Complaints have been received about noise as people walk on the hardwood floor in the American Room between the Main Reading Room and the Reference Room. A rubber mat which was formerly laid on the runway was removed some time ago and not replaced. When this matter was pointed out to Mr. Arthur Heeney several weeks ago, he arranged to obtain an estimate."

The Libraries and Reporting Committee will consider the estimate obtained by Mr. Heeney in the amount of approximately $500 at its said meeting.

Approved subject to the approval of the Libraries and Reporting Committee.

CANADIAN SECURITIES INSTITUTE

The Canadian Securities Institute has requested that premises in Osgoode Hall be made available to it for the examinations which it holds from time to time. The Committee recommended that the request be denied.

UNIVERSITY OF TORONTO

A request has been received from the University of Toronto for the use of premises in Osgoode Hall for evening courses twice a week from five to seven p.m. The Committee recommended that the request be denied. (*Convocation on motion granted the request.*)

OSGOODE HALL FENCE

The Committee considered a progress report dated October 3, 1975, from Mr. Arthur Heeney. The report indicated that completion of repair work to the sections of the fence damaged by a winter storm has been delayed due to the difficulty of obtaining patterns. In a letter of the same date Mr. Heeney advised that the contractors have been placed in receivership and that no assurance is given as to how their existing contracts can be handled. Mr. John Honsberger has been retained to advise the Society in this matter.

EMERGENCY MAIL DELIVERY SERVICE

The Committee recommended that a mail delivery service as outlined by the Secretary be approved in principle and the matter referred, with power to act, to a committee composed of the Chairman and Vice-Chairman of the Finance Committee, the Secretary and the Finance Administrator.

It was moved, seconded and carried that permission be granted to the University of Toronto to use the premises in Osgoode Hall for evening courses as requested.

THE REPORT AS AMENDED WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on 9th October, 1975.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. Cass, Finlayson, Krever, Seagram, Sheard and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidate, having successfully completed the Sixteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

David Ira Shapiro

Approved

Transfer from Another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416, applied for Call to the Bar and to be granted a Certificate of Fitness:

Michael Laurence Ostfield, Manitoba

Approved

Special

The following candidates, having filed the necessary papers, complied with the requirements of the Admissions Committee in their particular case and paid the required fee of $200, are entitled to be called to the Bar and to be granted Certificates of Fitness:

William Edward McCaughey	Faculty of Law, University of Ottawa
Iain Duncan Clark Ramsay	Faculty of Law, University of Western Ontario
Richard Jack Roberts	Faculty of Law, University of Western Ontario
Kenneth Paul Swan	Faculty of Law, Queen's University

Approved

Admission of Students-at-Law

Bar Admission Course

A further 245 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1975.

Approved

Transfer from Jurisdictions Outside Canada

The Committee had before it petitions from four solicitors who had earlier applied for permission to proceed under Regulation 5 and had been denied such permission. Three of the petitioners attended with their counsel. The Committee considered the additional material presented and heard submissions from counsel. The Committee recommended that all four be granted permission to proceed under Regulation 5.

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and called to the Bar, and the degree of Barrister-at-law was conferred upon each of them:

David Ira Shapiro
Michael Laurence Ostfield
William Edward McCaughey
Iain Duncan Clark Ramsay
Richard Jack Roberts
Kenneth Paul Swan

DISCIPLINE COMMITTEE—Mr. Lochead

Re: DAVID R. K. ROSE, Toronto

Messrs. Evans and Krever were not present, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended without counsel.

The Secretary read the Decision of the Discipline Committee, dated 5th June, 1975, wherein the Committee found the solicitor was guilty of professional misconduct in that he had failed to account for certain monies received from a client, filed a false or misleading report on his professional records, did not maintain proper books and accounts, and failed to reply to letters from the Society respecting his professional conduct.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

Counsel made no submissions. The solictor, counsel and the reporter withdrew.

The motion was *carried.*

It was moved and seconded that the solicitor, by Order, be reprimanded in Convocation and ordered to pay the Society's expenses incurred in its investigation, that the solicitor be ordered to maintain his books and records in his own office; that he be required to file quarterly audited statements until relieved from so doing by the Society, said statements to be delivered by the solicitor, in person, to the Society's offices, Osgoode Hall, Toronto; and that to enable the solicitor to comply with the Society's requirements concerning trust funds, the solicitor be permitted to maintain a trust account and released from the undertaking given to the Discipline Committee by him on 17th December, 1970.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Committee had been accepted by Convocation and of the motion respecting penalty before Convocation. The solicitor made submissions on his own behalf. The solicitor, counsel and the reporter withdrew.

The motion was *carried.*

The solicitor was informed of Convocation's decision and advised of his right of appeal and that if he wished to do so, he could waive his right of appeal and request that the penalty of reprimand be carried out forthwith. The solicitor waived his right of appeal.

The Treasurer reprimanded the solicitor.

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:40 P.M.

The Treasurer and Benchers had as their guest for luncheon The Honourable Roy McMurtry, Q.C., Attorney General for Ontario, The Honourable Mr. Justice Dubin and The Honourable Mr. Justice Lerner. The Right Honourable Roland Michener, one of the Society's Honorary Benchers, also attended.

CONVOCATION RESUMED AT 2:45 P.M.

DISCIPLINE COMMITTEE (Continued)

GENERAL REPORT

Mr. Finlayson, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on 9th October, 1975.

The following members were present: Messrs. Lochead

(Chairman), Cartwright (Vice-Chairman), Cooper, Finlayson, Furlong, Krever, and Mrs. Sutherland.

REPORT OF THE SUB-COMMITTEE ON REVIEW OF PROCEDURES IN THE LIGHT OF RECENT DEFALCATIONS

The report of the sub-committee was received by the Committee in September. The portion of the report recommending the addition of two accountants to Mr. Anderson's staff was adopted by the Committee and reported to Convocation in September.

The Committee now recommends that the balance of the subcommittee's report recommending amendments to items 3, 8 and 9 in Form 2 be adopted.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Finlayson, Vice-Chairman, presented the Summary of the Compensation Fund for the period ended 30th September, 1975.

COMPENSATION FUND

For the Period 1st July 1975 to 30th September 1975
(3 months)

TOTAL RECEIPTS	$ 23,846.48
TOTAL DISBURSEMENTS	12,590.73
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 11,255.75
BALANCE OF FUND 1st July 1975	1,414,187.62
BALANCE OF FUND 30th September 1975	$1,425,443.37

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 30th September 1975	$2,234,968.50
TOTAL PAID to 30th September 1975 from the commencement of the Fund on account of 921 claims of 95 former solicitors	$3,398.075.46

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. G. E. Wallace, Vice-Chairman, presented the Report of the Legal Aid Committee of its meeting on 8th October, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carter, Cass, Cherniak, Cooper, Fairbairn, Finlayson, Linden and Shaffer.

Mrs. Gretta J. Grant, Area Director, Middlesex and Perth Counties, and Michael Tomchak, Ministry of Community and Social Services, were also in attendance.

His Honour Judge Lucien Beaulieu was also present by invitation.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES — FINANCIAL INTERVIEWS

(a) *Welfare and Family Benefit Recipients, Psychiatric Patients, Prisoners*

In January 1974 a pilot programme was initiated under which an applicant for legal aid who receives municipal welfare or family benefits is spared a financial interview by the Ministry of Community and Social Services. The Ministry has now approved a project which will further speed up the obtaining of a legal aid certificate.

The Ministry's present rules requiring an assessment officer to make personal attendance on patients and take interviews in psychiatric hospitals and in jails throughout the Province has been waived and the new procedure is similar to that allowed applicants on welfare. In practice the Duty Counsel will fill out a questionnaire. The questionnaire has been adapted so that the Assessment Officer on reviewing such information can determine whether a field officer should, in fact, be sent out to interview the applicant further. In many instances this will relieve the applicant of the necessity of having to be subjected to a financial interview thereby decreasing "legal aid red tape" and permitting the almost immediate issuance of a legal aid certificate.

(b) *Ottawa-Carleton Pilot Project*

At a meeting of the Legal Aid Committee on August 5th, 1975, a Sub-Committee was appointed consisting of James B. Chadwick, Solicitor, Ottawa, and Shane Watson, Solicitor, Assistant Provincial Director, to investigate the feasibility of speeding up the obtaining of the report of the Ministry of Community and Social Services in determining an applicant's financial eligibility.

Shane Watson presented to the Committee a memorandum concerning a three-month pilot project. It is proposed that an applicant for legal aid will not be subjected to a separate financial interview in most cases. A form has been designed wherein the applicant will give all necessary information on legal and financial background to the interviewer in the Area Director's office. The single form will then be reviewed not only by the Area Director as to legal eligibility but also by a field officer of the Ministry of Community and Social Services as to financial eligibility. From the single form it will then be determined whether a certificate should, in fact, issue. This will relieve the applicant of having to be subjected to two interviews at different times and thereby promote the expeditious issuance of a legal aid certificate. It is hoped that if this project is successful in the Ottawa-Carleton region it can be initiated on a province-wide basis.

LEGAL AID CLINICS

(a) *Legal Assistance of Windsor*

On September 1st, 1975, a Legal Aid Clinic was opened in the City of Windsor wherein legal aid assistance is extended not only through civil duty counsel rosters but also utilizes existing off-campus law school clinics.

Shane Watson, a member of the Provincial Staff, has been temporarily assigned the position of salaried solicitor in the Windsor Clinic to supervise the administration in the clinic for which The Ontario Legal Aid Plan is responsible.

Mr. Watson reported verbally to the Committee and advised that the civil duty counsel roster now numbers 35 solicitors. It would appear that the Clinic Project is being well received by members of the community and the local Bar. Mr. Watson informed the Committee that he was liaising with a number of social services agencies, members of the judiciary and various local court officials and that approximately 450 people a week are being served through the Windsor programme.

(b) *The London Legal Clinic*

In London a salaried solicitor was retained who had been associated with Professor A. W. Bryant, Director of the London Off-Campus Law School Clinic. However, the salaried solicitor withdrew from the position of salaried solicitor for the Law Society when it became absolutely clear to him that he must restrict his administrative responsibilities in the Clinic to the supervision of that part of the Clinic for which The Ontario Legal Aid Plan is responsible. Because of the misunderstanding the clinical project was temporarily postponed; however, the Chairman of the Legal Aid Committee and Dean David Johnston, Faculty of Law, University of Western Ontario, subsequently resolved the problem and the London Clinic pilot project has been revived. Gretta J. Grant, Area Director, Middlesex and Perth Counties, London, has now retained Mervin Burgard, Solicitor, London, to act with Mrs. Grant in the capacity of salaried solicitor. A civil duty counsel roster has now been formalized and the clinic operation commenced on October 6th, 1975. Mrs. Grant gave a verbal report to the Committee.

PARKDALE COMMUNITY LEGAL SERVICES — INTERIM FUNDING

The Chairman received correspondence from S. R. Ellis, Director, Parkdale Community Legal Services, requesting a meeting at their office where members of the Legal Aid Committee could see what Parkdale is doing and Parkdale's Board members would meet the Committee members to discuss the current concerns and issues surrounding the Parkdale experiment and its relationship with the legal profession and the present Legal Aid Plan, to examine the reasons for the Committee's decision on funding and explore the possibilities of having it changed.

The Committee recommended that its members attend at Parkdale and that the Director arrange a suitable date and time.

LEGAL AID INFORMATION BANK — FUNDING

André Saint-Cyr, Secretary, Commision des services juridiques, Quebec, and Secretary to the Provincial Directors' Association, requested The Ontario Legal Aid Plan to approve the sum of $1,000 in the matter of funding a Canadian Legal Aid Information Bank. The Provincial Directors at a June meeting in Victoria were unanimous that such an Information Bank be programmed on a two-year pilot project basis. Information as to the type of legal aid extended throughout Canada, advertising programmes, computer programmes, statistical information, etc., will be forwarded to the Bank and such information will be dispersed to the various legal aid programmes. Mr. Saint-Cyr advised that the University of Montreal Public Law Institute would undertake the two-year project. It was suggested that the said Institute was the most suitable organization to handle such a task since the Institute is bilingual and has the necessary staff. All Provinces have agreed to fund the programme.

The Committee, after reviewing the request, approved the disbursement.

AREA DIRECTORS' MEETING

An Area Directors' meeting will be held on Thursday, November 27th, and Friday, November 28th, 1975.

Such a meeting will coincide with the Continuing Education lectures on poverty law to be held on Saturday, November 29th, 1975. The Area Directors will be able to attend the extension course if they so wish it.

LEGAL AID IN FAMILY COURT

A Sub-Committee consisting of R. J. Carter, Solicitor, Toronto, and Lee K. Ferrier, Solicitor, Toronto, was appointed to meet with representatives of Family Court in an attempt to resolve apparent difficulties.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends the following be appointed members of the respective Area Committee.

COCHRANE DISTRICT
J. F. Reginald Levesque, Solicitor, Timmins.

YORK COUNTY
Ruth Hartman, member, Students' Legal Aid Society, University of Toronto.

RESIGNATIONS:
YORK COUNTY
Clare E. Lewis, Solicitor, Toronto.
Joseph B. Pomerant, Solicitor, Toronto.
R. Roy McMurtry, Q.C., Toronto.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Cooper

Mr. Carthy presented the Report of the Professional Conduct Committee of its meeting on 9th October, 1975.

The following members were present: Messrs. Cooper (Chairman), Kellock (Vice-Chairman), Carnwath, Carthy, Cass, Farquharson, Furlong, R. J. Gray, Ground, Krever, Mrs. Legge, Messrs. Ogilvie, Seagram, Strauss, Mesdames Sutherland, Tait, Messrs. Tobias and Wallace.

1. The following enquiry from a member of the profession appeared on the September agenda of the Committee but was not reported at that time:

> "We are opening a small sub office in Apsley, a hamlet about 40 miles north of Peterborough in a plaza building containing about half a dozen units for stores, offices, etc.
>
> The owner of the plaza has erected a sign board or pole on the highway #28 about 10 miles south of Apsley indicating that there is a real estate office, a barber, a gift shop, etc. and also wants to affix a sign to the post with the words 'law office' in letters about 8 inches high. The sign post will be in a field off the road and the letters in the various signs must be big enough to be read from the highway when cars are speeding by.
>
> On our actual office door we shall have our firm name in letters about 4 to 6″ high.
>
> Outside the actual plaza building itself there will also be a post with the same type of signs as at the sign post about ten miles south. Again the words 'law office' would be on the sign but no name of our firm.
>
> . . . I request, on behalf of our firm, that we be allowed to place the said signs containing the words 'law office' only and no other indication."

The Committee at that time instructed the Secretary to advise that in its opinion the sign would be contrary to the spirit of Ruling 3 of the Rules of Professional Conduct particularly with respect to its location.

2. In the Committee's report to the September 1975 Convocation an item was included expressing the Committee's views as to the propriety of lawyers having acted on behalf of municipalities in certain matters, proceeding to act for other parties in other matters in which the municipalities were or might become involved. The item was referred back to the Committee for further consideration. A Sub-Committee has now been appointed under the Chairmanship of J.J. Carthy and composed of Messrs. Carnwath, Kellock and Tobias to consider the general question and report back.

3. A lawyer wrote to the Committee stating that the firm in which he is a partner, engages in all forms of legal practice, including general, commercial and real estate transactions. As a result he is often asked by his partners and associates to conduct on behalf of their clients the handling of law suits directly affecting their businesses. In the course of the trial of these actions it has been the practice to lead evidence from members of his firm who initially acted in connection with transactions which subsequently became the subject matter of litigation. Recently it was suggested to this lawyer that such

conduct was improper. When considering this matter the Committee's attention was drawn to the decision of the British Columbia Court of Appeal in the case of *Phoenix v. Metcalfe*, 48 D.L.R. 3d, p. 631, which reads in part at page 634:

> "The position of the appellant in the present case is simply that having presented his counsel's partner Mr. Small as a witness he wanted that counsel to continue to represent him at the trial and his counsel was willing to do so. I think there is nothing reprehensible or improper in a solicitor giving evidence on behalf of his client even though the solicitor be a partner of the client's counsel. Neither do I think there is any impropriety in counsel continuing as such after his partner has testified for that reason alone. I find support for this view from the decision of the Saskatchewan Court of Appeal in *Parry v. Parry*, (1926) 3 D.L.R. 95, (1926) 2 W.W.R. 185, 20 S.L.R. 474."

Although it was noted that the Code of Professional Conduct of the Canadian Bar Association, which was recently adopted by the Society, in principle, states in chapter eight, paragraph three, as follows:

> "The lawyer should not submit his own affidavit to or testify before a tribunal in any proceedings in which he appears as advocate, save as permitted by local rules or practice or as to purely formal or uncontroverted matters. This also applies to the lawyer's partners and associates: generally speaking they should not testify in such proceedings except as to merely formal matters. . . ."

The Committee in the light of the case referred to above, has instructed the Secretary to advise that it does not see anything improper in the course of conduct being followed by the lawyer. The apparent conflict between the decision in *Phoenix v. Metcalfe* and the Code of Professional Conduct of the Canadian Bar Association was referred to the Sub-Committee considering the Canons of Ethics under the Chairmanship of E. A. Goodman.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

—Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on 9th October, 1975.

The following members were present: Messrs. Seagram (Chairman), Carthy (Vice-Chairman), Salhany, Strauss, Mrs. Tait and Mr. Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The Great Library has received from J. T. Weir, Q.C., Toronto, a donation of periodicals comprising 1967, v. 12 *Natural Law Forum* and 1970 v. 15 *The American Journal of Jurisprudence.*

XEROX 4000 COPYING MACHINE

A coin-operated Xerox 4000 copying machine was installed in the Great Library early in October and commenced operation. The coin-operating mechanism was fixed at 15¢ per page and use of the machine indicates its immediate popularity and success as a reference department service.

CARPET — AMERICAN ROOM

The Committee considered a memorandum respecting noise caused by people walking on the hardwood floor in the American Room between the Main Reading Room and the Reference Room and an estimate of the cost of carpeting the area obtained by Mr. Heeney at the request of the Chief Librarian.

The Committee approved the estimate in the amount of $500, subject to the approval of the Finance Committee.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

Lennox and Addington Law Association submitted its Annual Return for 1974. The amounts of grants to which this Association is entitled under the Regulation in 1974 and 1975 are as follows:

		1975	*1974*
Lennox and Addington	$750		
Less penalty for late filing 10%	75	$675	$750

Approved, subject to the approval of the Finance Committee.

SUB-COMMITTEE ON GRANTS

The Committee was advised that the Trustees of The Law Foundation of Ontario had approved a submission from the Chief Librarian for a grant in the amount of $36,600 to be used by this Committee for the purpose of administering the $200,000 grant made for the County and District Law Libraries, excluding York. The Chairman of the Sub-Committee, Mr. Salhany, requested that the Chief Librarian prepare a list of Counties which have the greatest need for money to bring their inventory and books up to the basic minimum standard. A meeting of the Committee on Friday, October 17, 1975, at 9:30 a.m. prior to Convocation was called to consider the Chief Librarian's report.

THE REPORT WAS ADOPTED

Mr. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Friday, 17th October, 1975, prior to Convocation.

The following members were present: Messrs. Seagram (Chairman), Carthy Vice-Chairman), Farquharson, Salhany, Strauss, Mrs. Tait, Messrs. Wallace, Willoughby and Zahoruk, and Miss A. R. McCormick.

COUNTY LAW LIBRARIES

SUB-COMMITTEE ON GRANTS

The Committee recommends a plan of distributing the $200,000 grant from The Law Foundation of Ontario, which would give approximately half of the grant to those counties most in need of books and materials to bring them closer to the recommended minimum standard. The Committee recommends that a total of $199,839 be distributed to the 46 County Law Libraries, excluding the County of York, in accordance with the plan of proposed distribution of funds before Convocation.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Mr. J. G. M. White, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on 9th October, 1975.

The following members were present: Messrs. Fennell (Chairman), Carnwath, Cartwright, Cass, Furlong, Ogilvie, Strauss and Tobias.

The Committee considered two letters from solicitors advising that two of their clients had received a letter from an individual who carries on a bookkeeping service and an incorporation of companies service. The Secretary was instructed to retain counsel in Windsor to investigate and if sufficient evidence is available to prosecute under Section 50 of The Law Society Act for unauthorized practice. The Secretary was also instructed to write to the Consumer and Commercial Relations Department of Ontario and the Consumer and Corporate Affairs Department at Ottawa to request an investigation into the operation of this service.

The Committee considered a letter from counsel at the Ministry of the Attorney General concerning affidavits sworn by solicitors to enable parties who have been divorced by foreign divorce decrees to obtain marriage license in Ontario. The Secretary was instructed to investigate and to find out the names of lawyers who have filed affidavits in this manner.

The Secretary submitted a letter from a solicitor in Guelph enclosing two advertisements for the incorporation of companies. The Secretary was instructed to refer these advertisements to the special counsel who has been appointed to investigate this problem.

THE REPORT WAS ADOPTED

PUBLIC RELATIONS COMMITTEE — Mr. Wallace

Mr. G. E. Wallace, Chairman, presented the Report of the Public Relations Committee of its meeting on 9th October, 1975.

The following members were present: Messrs. Wallace (Chairman), Linden, Lochead, Mrs. Tait and Mr. Tobias.

PAMPHLETS

A number of pamphlets from several Bar Association in the United States were before the Committee when it met in September. It was recommended that the matter stand until the Committee's October meeting.

The Committee will give further consideration to the matter when information has been received from the Scottish Law Society concerning its current programme of public relations publications.

SPEAKERS ON LEGAL TOPICS

The Committee is developing arrangements to make speakers on legal topics available in schools at meetings of sundry groups of the public and also to have Benchers attend meetings of County and District Law Associations periodically to discuss matters of current interest and concern to the profession.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE

— Mr. Cartwright

Mr. W. G. Gray, Vice-Chairman, presented the Report of the Legislation and Rules Committee of its meeting on 8th October, 1975.

The following members were present: Messrs. Cartwright (Chairman), W. G .Gray (Vice-Chairman), Common, Furlong, Krever, and Mrs. Legge.

PROPOSED AMENDMENTS TO THE REGULATION WITH RESPECT TO DISCIPLINE

The Committee is engaged in drafting subsections 6 and 7 and further new subsections to Section 13 of the Regulation under The Law Society Act.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. Terence Sheard, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 9th October, 1975.

The following members were present: Messrs. Sheard (Chairman), Carthy, Cass and Pepper.

STUDENT APPLICATIONS

Applications for grants from 19 students in the Bar Admission Course together with a memorandum of recommendations from the Assistant Director for the Bar Admission Course were considered by the Committee.

The Committee approved the payment of grants totalling $2,580 to 13 applicants.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON PROCEDURES UNDER SECTION 35 OF THE LAW SOCIETY ACT

Mr. G. H. Lochead, in the absence of Mr. Ian Cartwright, Chairman of the Special Committee, tabled the Report of the Special Committee on Procedures under Section 35.

The Report was referred back to the Special Committee.

MOTION — SECTION 35 OF THE LAW SOCIETY ACT — COMMITTEE TO HEAR MATTER OF A SOLICITOR

It was moved, seconded and carried, that Convocation designate the Standing Committee on discipline as the Committee of Convocation to inquire pursuant to Section 35 of The Law Society Act as to whether a *solicitor* is incapable of practising law as a barrister and solicitor.

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

Mr. J. J. Carthy, Chairman, presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on 16th October, 1975.

The following members were present: Messrs. Carthy (Chairman), Kellock, Levinter and Linden, Mr. Peter Norman, the Society's consultant, attended at the Chairman's request.

The Committee considered a letter dated 13th October, 1975, from Mr. Norman to the Society. In his letter Mr. Norman reviews the Society's unenviable loss record and strongly recommends that all possible steps be taken to reduce both the quantum and the incidence of loss. Regardless of whether the Society adopts a self-retention approach to liability insurance or remains fully insured statistical data should be developed. Specifically he recommends:

1. That the Society authorize F. C. Maltman & Co. Ltd. to analyse past experience;
2. That P. D. Norman & Associates (Ontario) Ltd. be asked to study and recommend to the Society whether it should continue to be fully insured or to adopt a measure of self-retention;
3. That the services of a person with statistical experience be obtained to keep the necessary data for use in loss control procedures.

The estimated cost of implementing these recommendations would be $18,000 immediately for recommendations 1 and 2, with a further $10,000 per year to implement recommendation 3 when the services of a statistician are appropriate.

The Committee also considered a letter from J. H. Minet & Co. (Canada) Ltd. dated 15th October, 1975, containing a proposal that the final year of the Society's present three-year contract be cancelled and that a new higher premium be agreed upon for that year and that the policy be extended to 1st January, 1978.

Mr. Norman expressed to the Committee his concern that loss prevention measures will only be effective when the members of the Society realize that the increasing cost of liability insurance coverage is coming directly out of their own pockets and that this will only happen when the Society adopts the self-retention approach which has been so successful in other Provinces, notably in British Columbia. He fears that the longer this policy is deferred the more difficult it will become to adopt and that if it is postponed much longer and the loss experience continues to rise at the rate at which it is now rising, then in two or three years it will be difficult and expensive to obtain the necessary excess coverage to protect a self-retention scheme. It is for this reason that he recommends the Society obtain full information at this time of its loss experience to date.

The Committee having discussed the matter with Mr. Norman and given careful consideration to the suggestions made in the letter from J. H. Minet & Co. (Canada) Ltd. recommends:

That Minet's be asked to quote on the following basis:

1. Cancellation of the final year of the present three-year contract and the writing of a new contract to run for three years from January 1st, 1976 uncancellable and with a guaranteed premium for the full three-year term;
2. That the recommendations made by Mr. Norman in his letter of the 13th of October, 1975 be implemented, the cost to be borne out of the reserve for administrative purposes.

THE REPORT WAS ADOPTED

CONVOCATION ROSE AT 5:10 P.M.

Read in Convocation and confirmed 21st November, 1975.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 21st November, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Bynoe (after his election), Carnwath, Carrier, Carter, Carthy, Cartwright, Cass, Chadwick, Cooper, Farquharson, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, W. G. Gray, Ground, Humphrey, Krever, Mrs. Legge, Messrs. Linden, Maloney, O'Brien, Ogilvie, Pallett, Pepper, Robins, Salhany, Seagram, Sheard, Shepherd, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, White and Wilson.

MINUTES

The Minutes of Special Convocation of 16th October, 1975 and of Convocation of 17th October, 1975 were read and confirmed.

SPECIAL CONVOCATION

The Treasurer announced that he was summoning a Special Convocation on Friday, 5th December, 1975, at 10:00 a.m.

ELECTION OF BENCHER

A vacancy was caused in Convocation by W. D. Griffiths assuming judicial office as a Judge of the High Court of Justice of the Supreme Court of Ontario on 3rd November, 1975. Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and carried that Mr. *B. Clive Bynoe* of Toronto be elected a Bencher to fill the vacancy in Convocation.

Mr. Bynoe entered Convocation and was welcomed to the Bench by the Treasurer.

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and carried that Mr. *B. Clive Bynoe* be appointed a member of the Policy Sections of the Discipline and Professional Conduct Committees.

It was moved, seconded and carried that Mr. *R. J. S. Gray* be appointed a member of the Legal Education Committee.

APPOINTMENT OF SPECIAL COMMITTEE RE: ANNUAL DINNER 1975

The Treasurer announced that he had appointed a Special Committee consisting of Mrs. Legge and Messrs. Carrier, Evans and Pepper to assist him as Chairman in making arangements for the Annual Dinner to be held on 15th December, 1975, at the Royal York Hotel, Toronto.

APPOINTMENTS TO SPECIAL COMMITTEES

(a) *Building Committee*

The Treasurer informed Convocation that he had appointed Mrs. Legge and Messrs. Farquharson and Pepper to the Building Committee so that the Committee now consists of the Treasurer as Chairman and Messrs. Common, W. G. Gray, Levinter, Robins, Sheard, Farquharson, Pepper and Wilson, and Mrs. Legge.

(b) *Special Committee on Prepaid Legal Costs Insurance*

The Treasurer informed Convocation that he had named Mr. O'Brien and Mrs. Sutherland to this Special Committee. The other members of the Committee are Mr. Furlong as Chairman and Messrs. Lochead and White.

(c) *House Committee*

The Treasurer announced that Messrs. Brulé and Carnwath have been appointed to this Special Committee and that Mr. Finlayson has been appointed Chairman so that the Committee now consists of Mr. Finlayson as Chairman and Messrs. Brulé, Carnwath, Carthy, Pepper, Robins, Sheard, Sedgwick, the Treasurer and Mr. Justice Peter Wright.

(d) *Special Committee on Procedures under Section 35 of The Law Society Act*

The Treasurer named Messrs. Carter and Salhany to this

Special Committee so that it consists of Mr. Cartwright as Chairman and Messrs. Carter, Carthy, Lochead and Salhany.

(e) *Special Committee on Tariffs*

The Treasurer announced that he has appointed Mr. Wallace as Chairman in place of Mr. Carley who will remain on the Committee. This Special Committee of Convocation will therefore consist of Mr. Wallace as Chairman, Messrs. Carley, Carrier, Evans and Henderson and the Presidents (or their representatives) of York, Carleton and Sudbury Law Associations.

APPOINTMENT OF REPRESENTATIVE TO THE CANADIAN NATIONAL EXHIBITION ASSOCIATION

It was moved, seconded and carried that Mr. *W. B. Common* be appointed the Society's representative to the Canadian National Exhibition Association for 1976.

NOTICE OF MOTION — Q.C.'s

Mr. Cartwright gave the following notice of motion to Convocation:

> "TAKE NOTICE that at the next regular Convocation of the Benchers of the Law Society of Upper Canada, it will be moved by Ian Cartwright, seconded by P. B. C. Pepper, Q.C., that:
>
> > 'The Benchers of the Law Society of Upper Canada in Convocation assembled do respectfully recommend to the Attorney General of Ontario that he constitute a Committee to consider and report to him on those qualifications which may in the future guide the Lieutenant Governor of Ontario in appointing a member of the Society to be a provincial officer under the name of "Her Majesty's counsel learned in the law" for Ontario.' "

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on 16th September, 1975 respecting the application for readmission to membership in the Society of a former member.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. Cass, Seagram and Sheard.

The applicant attended with counsel.

The Committee gave careful consideration to the application, the material filed in support of it and the submission made by counsel on behalf of the applicant and to evidence given by a representative of the applicant's employer who attended before the Committee.

The applicant had been disbarred for professional misconduct involving fraud. The application was for readmission upon the condition that the applicant would not engage in the practice of law and the applicant offered to give an undertaking to that effect. The Committee considers that it would be a bad and dangerous precedent to readmit an applicant upon such a condition. There have been instances where former members have been permitted to resume practice subject to certain restrictions. The Committee is not aware of any instance in which membership has been coupled with a condition which prohibited engaging in any practice whatsoever. The enforcement of such a condition would pose certain difficulties and it would be impossible to be assured that the public would be aware of the special condition attaching to such limited membership in the Bar. For this reason the Committee did not recommend that the application be granted. Moreover, on balance, the Committee was not persuaded that the onus which rested upon the applicant had been discharged.

The Committee recommended that the application be denied.

THE REPORT WAS ADOPTED

Mr. Pepper presented the Report of the Admissions Committee of its meeting on 13th November, 1975.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. R. J. Gray, Krever, Seagram, Sheard, and Mrs. Sutherland.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

SPECIAL

The following candidates having filed the necessary papers, complied with the requirements of the Admissions Committee in each case and paid the required fee of $200, are entitled to be called to the Bar and granted a Certificate of Fitness:

Jeremy Michael Crown	Special — Faculty of Law, University of Western Ontario
Gerard Anthony Ferguson	Special — Faculty of Law, University of Ottawa

Approved

Call to the Bar for Occasional Appearance

The Committee recommended that the following be allowed to proceed under Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings they be called to the Bar and admitted as solicitors:

Maurice Saint-Onge Hebert	Province of Quebec
Jean Paul Ste. Marie	Province of Quebec
Paul V. Walsh	Province of Manitoba

Approved

Admission of Students-at-Law

Bar Admission Course

A further 47 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1975.

Approved

Direct Transfer

An application for direct transfer to practise in Ontario from a member of the British Columbia Bar was considered by the Committee. The applicant sought permission to proceed under Regulation 4(1). The application was approved subject to the applicant filing a Certificate of Good Standing.

THE REPORT WAS ADOPTED

Call to the Bar

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Jeremy Michael Crown
Gerard Anthony Ferguson
Paul V. Walsh
Maurice Saint-Onge Hebert
Jean Paul Ste. Marie

DISCIPLINE COMMITTEE—Mr. Lochead

Re: GAETAN MARCEL LEGAULT, Ottawa

Messrs. Chadwick, Evans and Krever were not present, took no part in the discussion and did not vote.

The solicitor attended with counsel. The Society was also represented by counsel.

The reporter was sworn.

The Secretary read the Decision of the Discipline Committee, dated 4th January, 1973, wherein the solicitor was found guilty of professional misconduct, having continued to act for all parties in a connected series of real estate transactions where there were conflicting interests. He made no proper disclosure of an enormous increase in the price of the property in the course of a few days so that one of his clients did not appreciate the true nature of the proposition and consequently suffered great loss. He also failed to maintain his professional records as required by the Society's Regulation.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

Counsel for the solicitor made submissions on his behalf. Counsel for the Society made submissions.

The solicitor, counsel and the reporter withdrew.

The motion was *carried.*

It was moved and seconded that Convocation, by Order, disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the acceptance of the Decision of the Discipline Committee and of the motion for disbarment before Convocation. Counsel for the solicitor made submissions. The solicitor, counsel and the reporter withdrew.

The motion to disbar was *carried.*

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice O'Driscoll, His Honour Judge Shapiro, Mr. H. C. F. Mockridge, Q.C., Mr. R. F. Wilson, Q.C., and Mr. Arthur Heeney Jr., the Society's architect. Mr. Wilson, a Bencher ex officio of the Society, was presented with a Certificate of Life Membership in the Society in recognition of the fiftieth anniversary of his Call to the Bar on 19th November, 1925.

CONVOCATION RESUMED AT 2:30 P.M.

BENCHER EX OFFICIO — ARTHUR E. M. MALONEY, Q.C.

Mr. Arthur Maloney, who took office on 1st September, 1975, as the Province's first Ombudsman, presented a letter dated 21st November, 1975, addressed to the Treasurer, exercising his option under Section 12(4) of The Law Society Act to become a bencher ex officio at any time so long as he is still an elected bencher. Mr. Maloney was first elected a bencher in 1956. He was elected in four subsequent elections, namely, 1961, 1966, 1971 and 1975.

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 12th November, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Cass, Chadwick, Cooper, Fairbairn, Henderson, Humphrey, Leitch, Linden, Shaffer and Wallace.

Also in attendance at the meeting were Kenneth G. Ouellette, Area Director, Essex County, and Mrs. Gretta J. Grant, Area Director, Perth and Middlesex Counties.

LEGAL ACCOUNTS SUB-COMMITTEE

On 21st October, 1975, the Legal Accounts Sub-Committee met under the chairmanship of George D. Finlayson to discuss the Legal Aid Tariffs and present taxation procedures and subsequently reported to this Committee.

After discussion of the Sub-Committee's Report, the Committee recommends that:

(1) Section 117 of the Regulation be amended to dispense with the necessity of holding a solicitor's account for 10 days to allow him to submit any objections to the settlement and request a review. This amendment will

permit increases in the number of cheque issuance days from two per month to whatever is appropriate and will assist in reducing the backlog of solicitors' accounts. Such an amendment would not interfere with a solicitor's right to appeal a disputed account.

(2) Appropriate amendments be made to the legislation to conform with accounts automatically being processed for payment having a value of less than $200.00 subject to spot checks.

(3) A computer expert be invited to study the present system of paying solicitors' accounts subject to the approval of expenditure by the Ministry of the Attorney General.

PUBLIC INFORMATION

The Committee recommends that a Public Information officer be appointed for The Ontario Legal Aid Plan subject to approval being obtained from the Attorney General with respect to funding

REQUEST FOR EXTENSION OF CRIMINAL CERTIFICATES (75 PER FISCAL YEAR)

In May, 1974, Convocation approved the policy that a solicitor should not be paid for more than 75 criminal certificates in a fiscal year, and that when the computer records the payment of 70 criminal certificates to a solicitor, that the solicitor be contacted by the Provincial Director to alert him to his obligation to review with the Director the status of his criminal legal aid practice.

The Director was given discretion to waive the limitation and permit an increase to 125 certificates subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee if the Director refused the request and provided that any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

G. Brian Clements and D. H. Tait, Solicitors, Windsor, requested an extension over and above 125 certificates. The Area Director, Essex County, recommended that the increases be granted.

The Committee recommends that each of these solicitors be permitted to accept 200 certificates in the current year, 1975-76.

NIGHT DUTY COUNSEL OPERATIONS

John B. Allen, Special Assistant to the Provincial Director, informed the Committee at its October, 1975 meeting that a request had been made to the Area Committee, Region of Durham, for a night duty counsel operation in Oshawa similar to that in York County.

W. R. Donkin, Area Director, York County, prepared for the Committee a report which indicated that the extension of this operation to Oshawa could be handled by long distance telephone calls made by applicants seeking legal advice.

The Committee recommends that the Night Duty Counsel Operations be extended to the Region of Durham if the local Area Committee approves.

COMMUNITY LEGAL SERVICE PROJECTS

Parkdale Community Legal Services

(a) In September, 1975 the Committee approved interim funding for Parkdale Community Services for a period of three months commencing 1st October, 1975 in the amount of $17,362 per month. The Committee had previously approved interim funding for the period of three months from 1st April to 30th September, 1975, in the amount of $17,362 per month. The Administrators of Parkdale Community Legal Services recently advised the Controller that the Community Legal Services Programme had incurred a deficit.

After hearing from D. J. McCourt, Deputy Director, and reviewing the funding of Parkdale Legal Services, the Committee was of opinion that the deficit incurred for the six-month period ended 30th September, 1975, in the sum of $8,131.59 should be paid.

(b) On 12th November, 1975, members of the Committee attended at Parkdale Community Legal Services. The Committee had been invited by S. R. Ellis, Director, Parkdale Community Legal Services, to see what Parkdale is doing, to permit Parkdale's Board members to meet members of the Legal Aid Committee to discuss the issues surrounding the Parkdale experiment and its relationship with the legal profession and the present Legal Aid Plan, and to examine the reasons for the Committe's decision on funding and explore the possibilities of having it changed.

MINISTRY OF COMMUNITY & SOCIAL SERVICES — FINANCIAL INTERVIEWS — YORK COUNTY PILOT PROJECT

At its October meeting the Committee approved a pilot project in Ottawa-Carleton whereby in most cases an applicant for legal aid would not be subjected to a separate financial interview. A form was designed wherein the applicant would give all necessary information on legal and financial background to the interviewer in the Area Director's office. The single form would then be reviewed not only by the Area Director as to legal eligibility but also by a field officer of the Ministry of Community & Social Services as to financial eligibility. From the single form it would then be determined whether a certificate should, in fact, issue. This will relieve the applicant of having to be subjected to two interviews at different times and thereby promote the expeditious issuance of a legal aid certificate.

W. R. Donkin, Area Director, York County, advised the Committee that the Ministry of Community & Social Services had approved such a project for York County on a three-month basis and requested approval of the Committee to proceed.

The Committee recommended that a project be proceeded with and Mr. Donkin report to the Committee after the termination of the three-month period.

LEGAL AID CLINICS

(a) *Windsor Legal Aid Clinic*

On 29th October, 1975, the Director met with Kenneth G. Ouellette, Area Director, Essex County, and Shane Watson, acting salaried lawyer for the Windsor Legal Aid Clinic, to discuss the function and job description of the position of salaried lawyer to supervise that part of the Clinic for which the Law Society is responsible.

Mr. Ouellette advised the Committee at its November meeting that thought should be given to retaining an experienced solicitor who, with his assistance, might well be able to supervise the civil duty counsel rosters in the Clinic. Mr. Ouellette laid great emphasis on the necessity of having a fully qualified practitioner in the Clinic to ensure that proper summary legal advice was being given.

The Committee was of the opinion that Mr. Ouellette should canvass members of his local Bar to ascertain whether such part-time services of a solicitor were available and that he and Mr. Watson should decide what experience was, in fact, required to administer that part of the Clinic for which the Law Society is responsible.

The Committee reviewed a report from Mr. Watson, setting out guidelines which should be followed in administering the Windsor Legal Aid Clinic.

(b) *London Legal Clinic*

On 6th October, 1975, the London Legal Clinic was opened utilizing not only a civil duty counsel but also the existing off-campus law school clinics.

Mrs. Gretta J. Grant, Area Director, Perth and Middlesex Counties, delivered a verbal report advising the Committee that 96 applications for legal aid had been received and 51 of these had resulted in certificates being issued. The Clinic is open to the public on a full-time basis and two duty counsel are posted for two sessions each week, on Tuesday and Thursday.

Under the supervision of a professor of law, students provide legal representation for those persons who are unable to obtain legal services through the duty counsel roster or through a certificate. 150 Social Service Agencies have been contacted with a view to educating the agencies with respect to the services of the London Legal Clinic. The London Press will publish an article in its news magazine shortly with respect to the Clinic in order to ensure that all citizens are aware of the Clinic's legal aid facilities.

DELIVERY OF SERVICES TO NATIVE CANADIANS

On 28th October, 1975, the Deputy Director met with Dr. Daniel Hill, member of the Task Force on Legal Aid, and Harvey Savage, Solicitor, Toronto, to discuss a proposal for the training of native paralegals in north-western Ontario.

A memorandum from D. J. McCourt, Deputy Director, commenting on the proposal was presented. After discussion on the use and training of paralegals for delivery of services to native Canadians, the Committee recommends that a Sub-Committee be appointed to consider the "Hill-Savage" proposal and that the project be discussed with the Attorney General as to funding.

It is proposed that the Sub-Committee consist of the following members:

George E. Wallace, Vice-Chairman,
Bernard Shaffer,
J. K. Doner, Solicitor, Area Director, Kenora District,
D. J. McCourt, Deputy Director

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Shepherd

Mr. A. E. Shepherd, Chairman, presented the Report of the Finance Committee of its meeting on 13th November, 1975.

The following members were present: Messrs. Shepherd (Chairman), Pallett (Vice-Chairman), Fennell, W. G. Gray, Ground, Ogilvie, Pepper, Sheard and Wilson.

Messrs. Yule and Sharpe of Clarkson, Gordon & Company, Chartered Accountants, also attended at the request of the Chairman.

ROLLS AND RECORDS

Appointment to the Bench

The following members have been honoured by their apointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

James Douglas Karswick, Toronto	Called—22 June 1960 Appointed Provincial Judge, Judicial District of York, Family Division — 15 October 1975
Aaron Brown, Q.C., Toronto	Called—27 June 1957 Appointed Provincial Judge, Judicial District of York, Criminal Division — 15 October 1975
David Robert Main, Toronto	Called—19 March 1970 Appointed Provincial Judge, Judicial District of York, Family Division — 15 October 1975

Deaths

The following members have died:

James Lawrence Lewtas, Q.C. Toronto	Called—29 June 1948 Deceased—7 October 1975
John Thomas Lewington, Hamilton	Called—16 October 1947 Deceased—September 1975
Samuel Rogers, Q.C., Toronto (Life Member)	Called—1 June 1914 Deceased—27 October 1975
Gordon Carney Shaver, Toronto	Called—23 March 1973 Deceased—8 November 1975

William Ralph West, Q.C., Toronto (Life Member)	Called—18 November 1920 Deceased—6 November 1975

Noted

Resignations

The following persons were called to the Bar of Ontario under Regulation 10 respecting occasional appearances. The respective matters in which they appeared are now concluded and they have therefore resigned from the Society:

Norbert Losier, Quebec	Called—21 April 1972 Resigned—30 September 1975
Jack Morley Chapman, Manitoba	Called—21 April 1972 Resigned—1 October 1975
Wilfred J. Wallace, British Columbia	Called—18 October 1974 Resigned—30 September 1975
Pierre Cloutier, Quebec	Called—17 January 1975 Resigned—8 October 1975

Approved

MEMBERSHIP UNDER RULE 50—RETIRED MEMBERS

Stanley Frederick Sharpe of Niagara Falls, who is sixty-five years of age and fully retired from the practice of law and other employment, requested permission to continue his membership in the Society at a reduced annual fee of $25.

Approved

CHANGE OF NAME

Marie Jacqueline O'Ray, a solicitor practising in Ottawa, requested that her name be changed on the Rolls of the Society to Marie Jacqueline *Morgan,* her married name.

Deirdre Kathleen Harvey, a solicitor practising in Toronto, requested that her name be changed on the Rolls of the Society to Deirdre *Mungovan,* her maiden name.

Vladimir DeSanti, a student member, advised that his surname is spelled incorrectly on the Society's Rolls and requested that it be changed to *Desanti.*

Christine Ann Riddolls, a student member, requested that her name be changed on the Rolls of the Society to Christine Ann *Anderson,* her married name.

Approved

MEMBERSHIP RESTORED

Rodger Allan Gordon, Q.C., of St. Catharines, gave notice under Section 31 that he had resigned as Provincial Judge (Criminal Division) for the County of Brant and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored effective 11th November, 1975.

Noted

OCCASIONAL APPEARANCE

Mr. *R. G. Cummings* of Edmonton, Alberta, was called to the Bar on September 17, 1971, pursuant to the rule permitting members of other Canadian Bars to make occasional appearances. No appearance was in fact made and Mr. Cummings has requested a rebate of the fee of $100 paid.

The Committee recommended the request be denied.

LEGAL EDUCATION COMMITTEE

Printing Department

The Legal Education Committee had on the agenda of its November meeting a request from the Director of the Bar Admission Course for permission to hire a third bindery operator for the Printing Department. The Manager of the Printing Department reported to the Director that the quantity of material being produced in the Department is coming off the presses faster than it can be collated and bound. In the past, when the presses were not as busy, he transferred a pressman to help in the collating and bindery operation but the present rate of productivity precludes the transfer of personnel from one operation to the other. A considerable amount of overtime has been necessary with consequent stress on staff. This could be alleviated by hiring an additional bindery operator.

Approved subject to the approval of the Legal Education Committee.

EMERGENCY MAIL SERVICE

Since 27th October, 1975 an Emergency Mail Service has been in operation and temporary employees have been engaged. The Committee was asked to give its approval of the hiring of these temporary employees.

Approved

THE REPORT WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Krever

Mr. Horace Krever, Chairman, presented the Report of the Legal Education Committee of its meeting on 13th November, 1975.

The following members were present: Mr. Horace Krever, Chairman, Messrs. Brulé, Carthy, Ground, Salhany, Shepherd, and Mrs. Tait.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments (Toronto and Ottawa, as indicated)

It is recommended that the following appointments be made for the teaching term which commences September 8th, 1975:

(a) *Civil Procedure I Section*:

To continue as Head of the Section, R. J. Rolls.

Group Instructors (Osgoode Hall):

T. G. Bastedo,
R. A. Blair,
H. M. A. Brodkin,
D. J. Brown,
P. J. Brunner,
M. A. Catzman,
R. G. Chapman,
T. J. Dunne,
Bryan Finlay,
G. R. W. Gale,
S. T. Goudge,
P. J. Green,
P. G. Jarvis,
J. I. Laskin,
A. J. Lenczner,
D. C. McTavish,
J. T. Morin,
W. H. O. Mueller,
P. J. Paper,
Julian Polika,
A .M. Robinson,
A. M. Rock,
D. L. Roebuck,
J. W. Rowley,
D. H. Sandler,
J. D. Sloan,
P. J. Sullivan,
T. H. Wickett,
B .S. Wortzman,
Perce Young.

Stand-by Instructors (Osgoode Hall):

L .A. J. Barnes,
S. L. Goldenberg,
R. S. Harrison,
J. B. Kohn,
L. J. Levine,
A. C. Millward,
B. H. Wheatley.

(b) *Civil Procedure II Section*:

Head of the Section: J. W. O'Brien.

Group Instructors (Osgoode Hall):

P. R. Braund,
D. J. Brown,
H. J. B. A. Dickie,
D. G. Duke,

W. G. Dutton,
D. A. Elliott,
G. W. Glass,
K. E. Howie,
C. A. Keith,
R. B. Lawson,
W. D. Lilly,
R. D. McLean,
C. G. MacPherson,
C. S. Martin,
W. T. McGrenere,
T. H. Rachlin,
W. P. Somers.
N. D. Dyson,
M. N. Ellis,
M. J. Haffey,
P. R. Jewell,
Ted Kerzner,
William Liber,
T. J. Lockwood,
D. J. McLennan,
L. H. Mandel,
P. T. Matlow,
R. A. O'Donnell,
E. A. Sabol,

Stand-by Instructors (Osgoode Hall):

Franz Bowman,
J. S. Lyons,
B. D. Brown,
Jean L. MacFarland.

(c) *Corporate and Commercial Law Section*:

To continue as Head of the Section, Allen Karp.

Group Instructors (Osgoode Hall):

V. P. Alboini,
J. Blidner,
P. G. Cathcart,
G. R. Cunningham,
J. J. Fineberg,
B. J. Hutzel,
N. L. Leblovic,
R. K. McDermott,
W. T. Pashby,
R. B. Potter,
S. B. Scott,
B. F. Shostack,
T. J. Tone,
J. H. Whiteside,
G. A. Wilson,
S. V. Arnold,
A. L. Cader,
J. R. Collins,
J. M. Farley,
B. Fisher,
E. P. Kerwin,
C. T. Loughrin,
A. W. Oughtred,
J. A. Paterson,
S. P. H. Robinson,
W. J. V. Sheridan,
S. M. Sigel,
T. N. Unwin,
T. R. Williston,
Frank Zaid.

Group Instructors (Ottawa):

R. D. Chapman,
C. J. Gardner,
F. J. Holmes.
P. W. Fortier,
R. W. Groulx,

Stand-by Instructors (Osgoode Hall):

J. W. Craig,
John Kingsmill,
J. W. Potwin,
R. A. Shaw.
S. W. Elkind,
M. J. Perelman,
W. R. Prueter,

Stand-by Instructors (Ottawa):
M. J. O'Grady,
P. E. Vivian.

(d) *Legal Aid Section*:
To continue as Head of the Section, A. M. Lawson.

(e) *Professional Conduct Section*:
To continue as Head of the Section, Kenneth Jarvis.

(f) *Family Law Section*:
To continue as Head of the Section, James C. MacDonald.
Group Instructors (Osgoode Hall):
Rosalie S. Abella,
T. G. Bastedo,
G. W. Brigden,
D. J. Brown,
T. W. Caskie,
Rodica David,
A. B. Doran,
P. M. Epstein,
L. K. Ferrier,
F. G. Gans,
J. R. R. Jennings,
P. R. Jewell,
R. J. Klassen,
M. C. Kronby,
Benjamin Laker,
A. D. Libman,
M. D. Lipton,
D. H. Lissaman,
T. J. Lockwood,
C. S. Martin,
Mrs. P. D. C. McTavish,
N. A. Nolasco da Silva,
R. D. Preston,
R. R. Richman,
G. K. Selzer,
J. D. Sheard,
S. B. Smart,
Philip Spencer,
D. M. Starzynski,
G. T. Walsh.

Stand-by Instructors (Osgoode Hall):
R. P. Biderman,
D. J. Catalano,
H. H. Elliott,
G. P. Johnstone,
H. R. Locke,
C. C. Mark,
H. D. Marks,
H. D. Stewart,
T. C. Warne.

Approved

Faculty Appointments (Ottawa)

It is recommended that the following appointments be made for the teaching term which commences September 8th, 1975:

Gerald R. Morin — Senior Instructor of the Civil Procedure I Section

John C. Clarke — Senior Instructor of the Estate Planning and Administration of Estates Sections

Charles E. O'Connor	— Senior Instructor of the Corporate and Commercial Law Section
James B. Chadwick	— Senior Instructor of the Legal Aid Section

Approved

Bar Admission Course Advisory Committee

Student elections have now taken place and we recommend the appointment of the following persons to membership on the Bar Admission Course Advisory Committee:

Benchers:	J. A. Brulé J. J. Carthy J. D. Ground
Secretary of the Law Society:	Kenneth Jarvis
Heads of Sections:	D. G. Fuller J. D. Honsberger R. J. Rolls
Administrators:	G. W. Collins-Williams E. Rachael Knox Bessie A. Seyffert
1975 Graduates:	E. M. (Yeti) Agnew J. L. A. Hill J. B. Love
Students:	Frances P. Kiteley J. P. Smith J. B. Udell

The first meeting of the Committee will be held on November 6th, 1975.

Approved

Accommodation for the Bar Admission Course (Ottawa) 1976-77

The present accommodation of the Ottawa Bar Admission Course at the Woodroffe Campus of the Algonquin College of Applied Arts & Technology is proving to be very satisfactory. The College administrators are most co-operative and a good rapport exists between our administrators and those of the College with whom they deal.

We have analyzed the geographical breakdown showing where students are presently serving under articles and find that 141 are serving in the Ottawa area and a further 31 in

Northern Ontario. Out of this total of 172, and taking into account what we consider to be the success of the Ottawa operation, we believe that the enrolment in the Ottawa Course could be increased next year from 119 to 160.

We, therefore, respectfully request the Committee for permission to negotiate terms for our occupation of the present space (administrative offices, one large lecture room and six seminar rooms) plus two additional seminar rooms in the academic year 1976-77. The enlarged space will enable us to accommodate the additional 41 students mentioned above.

The Committee recommends that the Treasurer be authorized to renew the rental of the space now being used in Algonquin College for another year and to rent the necessary additional space there.

Continuing Education —
Proposed New Programme in Criminal Law

The planning committee for Continuing Education programmes on Criminal Law proposes that two extended courses in Criminal Law be presented during the summer of 1976 in accordance with the terms of reference approved by Convocation on September19th, 1975. It is recommended that this proposal be approved.

Approved

Continuing Education — Corporate and Commercial Law

In October a report was made concerning the extended programme in Corporate and Commercial Law which was presented in Banff in September by the Federation of Law Societies of Canada. This was an excellent programme and was recognized as being of great value to the relatively few persons who had the advantage of receiving it. For the most part the participants in the progamme were Ontario lawyers and we believe that the programme should be repeated with whatever updating may be necessary in the spring of 1976 as a Continuing Education programme of our own. In view of the Federation's involvement and since the material which we would be using and revising was prepared for the Federation as a programme of the Federation, it would appear that we should have the consent or at least the acqueiscence of the Federation to proceed on our own with this material and with this programme. It should be noted that if we proceed on this basis, in the ordinary course we would be offering the programme material for sale as one of our publications after presentation of the programme. It is recommended that the Director be authorized to seek the concurrence of the Federation to take over the programme and the material in this way.

The Committee recommends that the Federation be asked if it wants to put on the programme in the spring of 1976 and, if not, whether it is agreeable to the programme being taken over and put on by the Law Society of Upper Canada.

Printing Department

The Manager of the Printing Department requested permission to hire a third bindery operator and submitted a memorandum in support of his request. It is recommended that a third bindery operator be engaged.

Approved subject to the approval of the Finance Committee.

SPECIAL PETITIONS — BAR ADMISSION COURSE

Two petitions for permission to defer entering the teaching portion of the Bar Admission Course were considered by the Committee. One petitioner wished to study for an LL.M. degree and the other to travel. The Committee approved both petitions.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Mr. R. W. Cass presented the Report of the Unauthorized Practice Committee of its meeting on 13th November, 1975.

The following members were present: Messrs. Fennell (Chairman), Carnwath, Cass, Furlong, Ogilvie, Pallett, Strauss, Tobias and White.

Mr. Ian Cartwright (a member of the Committee) has prepared a memorandum which it is intended should be used to inform any one who writes to the Society on the subject of Unauthorized Practice. The Committee recommends that the existence of this memorandum be brought to the attention of the Presidents of the County and District Law Associations when they meet next month at Osgoode Hall.

The Committee considered a number of other matters and issued instructions to the Secretary on the action deemed appropriate in each instance.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

Mr. G. D. Finlayson, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on 13th November, 1975.

The following members were present: Messrs. Lochead (Chairman), Bowlby, Cartwright, Cooper, Evans, Krever, and Mrs. Sutherland.

SUB-COMMITTEE TO CONSIDER SECTION 18(1) OF THE REGULATION MADE PURSUANT TO THE LAW SOCIETY ACT, 1970 AS AMENDED

At its February, 1975 meeting the Committee appointed a sub-committee to consider the advisability of amending Section 18(1) of the Regulation made pursuant to The Law Society Act so that registered loan corporations could be included as proper depositories for members' trust monies. The report of the sub-committee recommended that registered loan corporations be included as institutions in which trust monies may be deposited and that Section 51.*f*(1) of the Act and Section 18(1) of the Regulation be amended accordingly.

The Committee approved the recommendation of the sub-committee and recommends that it be adopted by Convocation.

SECTION 19 OF THE REGULATION

It was brought to the Committee's attention that Section 19(1) (i) of the Regulation reads:

> "a record showing all negotiable or other valuable property other than money held in trust from time to time for all clients."

Form 2, as approved by Convocation in September 1974 on page 2, paragraph (k) reads:

> "a record showing all negotiable or other valuable property other than money held in trust from time to time for clients."

The Committee, noting that the quoted section of Form 2 should be word for word with the relevant section of the Regulation, recommends that Form 2 be amended by adding the word "all" after the word "for" in the last line.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY

Mr. Finlayson presented the Summary of the Compensation Fund for the period ended 31st October, 1975.

COMPENSATION FUND

For the Period 1st July, 1975 to 31st October, 1975
(5 months)

TOTAL RECEIPTS	$ 39,471.48
TOTAL DISBURSEMENTS	90,664.28
EXCESS OF DISBURSEMENTS OVER RECEIPTS	($ 51,192.80)
BALANCE OF FUND 1st July 1975	1,414,187.62
BALANCE OF FUND 31st October 1975	$1,362,994.82

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st October 1975	$2,312,917.65
TOTAL PAID to 31st October 1975 from the commencement of the Fund on account of 929 claims of 97 former solicitors	$3,449,995.81

THE SUMMARY WAS RECEIVED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meeting on 13th November, 1975.

The following members were present: Messrs. Cooper (Chairman), Bowlby, Carnwath, Carthy, Cass, Evans, Farquharson, Fennell, Furlong, R. J. Gray, Ground, Krever, Mrs. Legge, Messrs. Lochead, Ogilvie, Pallett, Seagram, Strauss, Mesdames Sutherland, Tait, and Mr. Tobias.

SUB-COMMITTEE ON CONFLICTS WITH MUNICIPALITY CLIENTS

The Sub-Committee reported as follows:

"At the meeting of the Professional Conduct Committee held on 9th October, 1975, your Sub-Committee composed of Messrs. Carthy (Chairman), Carnwath, Kellock and Tobias were appointed to consider the propriety of lawyers, having acted on behalf of municipalities in certain matters, proceeding to act for other parties in other matters in which the municipalities were or might become involved.

The following fact situation and questions arising therefrom led to the formation of this Sub-Committee:

A solicitor is in private practice as a partner in a firm of six solicitors. The solicitor was retained as the solicitor for a local municipality (the Town) within a Regional Municipality, by resolution of the council of the Town. The solicitor, assisted by other members of the firm, performs legal services as requested by the Town and renders accounts from time to time for such services. The solicitor's firm has been established in the area for many years and has many clients residing or having interests, in the Town. It has been the practise of the firm not to act in a particular matter for any client whose interests are, or appear to be, opposed by the Town. The following questions are posed:

1. Should the solicitor act for clients in non-contentious matters although such matters involve dealing with the council, boards, committees or employees of the Town.

2. Should the solicitor act for clients in matters which require appearing before other bodies such as the councils, boards, committees, etc. of the Regional Municipality or other local municipalities within the same regional municipalities, where such matters involve or might possibly involve the Town, directly or indirectly (assuming there is no apparent opposition by the Town).

3. Should the solicitor appear for clients before councils, committees, boards, etc. of the Regional Municipality or other municipalities within the regional municipality, in matters which might result in the development of policies affecting the Town.

4. Should the solicitor act for clients in matters involving his appearance before the Land Division Committee, Committee of Adjustments, Ontario Municipal Board, assessment tribunals, and other such bodies, which matters may affect the Town (assuming there is no apparent opposition by the Town).

5. Should the solicitor act for clients in a matter involving the Town if the Town has retained another solicitor with respect to such matter.

6. Would the solicitor's position be different if he were not the solicitor for the Town but was retained from time to time by the Town to perform legal services for it.

7. Are the other members of the solicitor's firm in the same position as the solicitor.

It was felt that this issue is of general importance and should lead to some specific guide for the profession.

The Sub-Committee considered the problem both from the point of view of the general principles involved, and in terms of the particular application to practice in both a large city and small centre, seeking a formula in keeping with the accepted ethical conduct, and at the same time capable of practical application in all situations.

We concluded that there are two different elements to consider — does a conflict of interest arise, and is there an appearance of impropriety. The question of conflict of interest can be readily resolved by the application of the usual rules as to conflicts, and there is no difference between a municipality client and any other client in terms of the application of those rules. If doubt exists, permission of the municipality client should be obtained. This test would answer questions numbered 3 and 4 in any given instance.

The second element to be considered is that a solicitor must act in a manner consistent with giving the appearance that justice is being done. We view it as improper or unseemingly that a solicitor lend himself to the appearance of having an advantage before a Tribunal by reason of some other relationship.

Since we are here dealing with the appearance rather than the fact, the test must be whether the solicitor is identified in the public mind with a particular body. We see no difficulty in a solicitor assessing for himself whether from time to time he is so identified by the public and other lawyers.

Once that identification exists, then the solicitor should not appear before that body with whom he has identified or any other body directly related to it in terms of decision making power. No general rule can go beyond saying that each instance should be tested against the basic concept of avoiding the appearance of having persuasive powers extending beyond the presentation made at the Tribunal.

For instance, a Planning Board reporting to the municipality client would be so related; a regional government representing a wide range of municipalities might be entirely distinct from any one of them in terms of its decision making process; another regional council may not be so distinct by reason of the dominance on it of the municipality client; a Land Division Committee or a Committee of Adjustments is by statute distinct from the municipality itself, but in certain instances may conduct itself so ultimately with the municipality that the offending appearance may arise.

The solicitor can only ask himself in each instance whether his relationship to a municipality gives rise to an appearance of advantage in the proposed proceeding.

We consider that in all cases the members of a firm and associates must be treated as one and if the appearance of advantage reflect from one, it reflects from all.

RECOMMENDATION

That the questions posed and the answer propounded (or a digest of it) be published as the "opinion" of the Professional Conduct Committee. This would be a new procedure and one that could be very useful for providing guidance on matters of general concern."

The Committee recommends adoption of the Sub-Committee's Report.

SUB-COMMITTEE ON PUBLICATION OF PROFESSIONAL CONDUCT COMMITTEE OPINIONS

The Sub-Committee reported as follows:

"At the meeting of the Professional Conduct Committee held on 28th July, 1975, your Sub-Committee composed of Messrs. Kellock (Chairman), R. J. Gray and Ground was established to report to the Committee as to whether or not it would be desirable to publish some or all of the opinions rendered by the Professional Conduct Committee from time to time when requested to do so by individual members of the Society, so that all members of the Society would have the benefit of the Committee's advice.

After considering the matter, the Committee is unanimously of the view that such advice should be published.

The Sub-Committee considered the following positive and negative aspects of the question:

At the present time, the members of the Professional Conduct Committee devote considerable time and effort in and out of formal meetings in understanding the problems placed before the Committee for decision, in research required to place the problem in its appropriate legal frame-work, in discussion and deliberation, and ultimately, in decision-making.

The net result, (other than brief references to some of the problems published up to eleven months late, as part of the Minutes of Convocation, and occasional brief references in the Communiqué), is a report to the individual who sought the Committee's advice in the first place.

Presumably, that individual and his clients benefit (assuming the advice is heeded) and the remainder of the profession does not.

However, it is still quite conceivable that over the years, various editions of the Professional Conduct Committee of the Society have considered and re-considered the same problems and may be called on in the future to do so again, with the likelihood of inconsistent results.

It should be noted here that the Secretary does maintain a record of some of the opinions and this record is consulted from time to time to assist the Committee. The Committee will recall, however, that one of the items on the Committee's agenda at the meeting that led to the establishment of this Sub-Committee involved a member's complaint about "hidden rules".

In addition, those members of the Society who are specifically and individually advised about problems of ethical conduct, should run a serious risk of disciplinary action if they disregard the Committee's advice. All other members of the Society who are, of course, unaware of the Committee's advice are less likely to be found guilty of professional misconduct in respect to the same acts or omissions.

It was suggested that the Professional Conduct Committee should not publish its opinions because if it did so, the Committee would become married to certain positions which might later be thought to be wrong.

In our opinion, the quality of the Professional Conduct Committee's opinions might be improved if made with the knowledge that these opinions would be published, and the Committee as a whole is free to reconsider its advice from time to time, as is Convocation.

It was also suggested that rather than publish advice, in cases involving important principles, the Rules of Professional Conduct ought to be amended or new rules promulgated. We feel that many of the Rules must, of necessity, be generally expressed and accordingly, somewhat vague in effect. The publication of advice of a specific nature would, over a period of time, tend to remove that uncertainty and thus make the Rules themselves more effective.

In the result, the Sub-Committee is of the opinion that the advice provided from time to time by the Professional Conduct Committee, ought to be published. However, it is important that the advice in each case be confined to the facts which led to the Committee's decision and that no advice should be published until such has been adopted by Convocation as part of the Professional Conduct Committee's report.

While the Sub-Committee was not specifically asked to deal with the aspect of Methods of Publication, it was necessary to consider it in coming to a conclusion upon the main question.

For whatever use the Committee may wish to make of it, the following represents our view as to the methods to be employed:

It is felt that the Communiqué is not a suitable vehicle for the simple reason that the Communiqué depends for its effectiveness upon its brevity. To include the opinions in question would require that the Communiqué be extended to several pages.

We are also of the opinion that it would be undesirable to use the Ontario Reports. It seems that a large portion of the profession does not take the trouble to read the present accounts of the business of the Law Society that appear in the Ontario Reports. In addition, lawyers are in the habit of destroying the parts upon the issue of the bound volume containing those parts.

We feel that the Law Society Gazette might well be used for this purpose, although we recognize that some feel that the Gazette should be exclusively devoted to the publication of material of a different class and kind and that the opinions in question would be regarded by those, as incompatible. On the other hand, we feel that readership of the Gazette might well be increased by including the Professional Conduct Committee opinions.

The other alternative, and one that the Sub-Committee is prepared to recommend, is publication in a separate newsletter very similar to the New York State publication, which is attached to this report for reference. If this format is adopted, it will appear clearly that the opinion stated is directly dependent upon and restricted to the specific fact

> situation recited. We believe that a report of this kind could be issued quarterly and that by overprinting, periodic consolidations could be prepared and issued."

While the Sub-Committee expresses the view that the Law Society Gazette might well be used for the publication of the Professional Conduct Committee opinions, the Committee is of the view that the Gazette should not be used for this purpose. Some form of separate mailing, it is felt, would be more appropriate. With this reservation the Committee recommends adoption of the Report.

In its July, 1975 report to Convocation, the Committee expressed the following opinion:

> "that it would be improper for a practising lawyer to be registered as a real estate broker, since one cannot professionally sell real estate without dealing with people who ultimately as vendors and purchasers would require legal services. If such people then became clients of the real estate agent-lawyer, the latter could find him/herself continually involved in situations where there were potential conflicts of interest."

Subsequently, a lawyer wrote to the Society advising that he would like to complete the real estate salesman's course and satisfy the requirements to become registered as a real estate salesman. One of these requirements is that he be employed by a registered real estate broker. While it is his intention at some point in the future to enter into the field of real estate sales, it would only be after he resigns as a member of the Society, which he anticipates will be within the next ten years. Apparently at this time his desire is merely to satisfy the academic and other requirements that must be met to permit one to be registered as a real estate salesman. The Committee instructed the Secretary to advise that it could see no objection to the solicitor taking the course but under no condition must he be employed by a broker or registered as a salesman while he is a member of the Law Society.

A member of the teaching portion of the Bar Admission Course asked whether it would be proper upon call to the Bar to have the initials "A.I.I.C." placed following his name along with "B.A. and LL.B." on his legal stationery and business cards. The initials "A.I.I.C." stand for "Associate in the Insurance Institute of Canada". Prior to the student's entering university for his B.A. and LL.B. he had been an independent insurance adjuster, during which time he had successfully completed nine subjects of the course sponsored by The Insurance Institute. These courses dealt with varying subjects in the field of insurance and covered a period of three years. As a result he became an Associate in the Insurance Institute of Canada. He is of the opinion that the diploma that he received would be equal to one received by a Chartered Accountant. He suggests that it would also be likened to having obtained a B.A. of insurance. The Committee after some consideration instructed the Secretary to advise that the use of these initials would be contrary to the provisions of Ruling 10, paragraph 4 of the Rules of Professional Conduct and that the Committee was not prepared to make exception as would be permitted under paragraph 7 of the said Ruling.

The Committee's attention was drawn to an item that appeared in the June 21st, 1975 issue of the newspaper K-W Record which is published in Kitchener, Ontario. The item consisted of a photograph of a young man under which the following caption appeared:

> "The law firm of (. . . name . . .) are pleased to announce the graduation of (. . . name . . .) from Osgoode Hall law school, Toronto, June 9. He is a son of Mr. and Mrs. (. . . name . . .) of (. . . place . . .) . Mr. (. . . name . . .) is an honors business graduate of Wilfrid Laurier University. He will article with (. . . name of law firm . . .)."

The Bar Admission Course records indicate that the person referred to in this announcement became a student member of the Society on 23rd June, 1975. In reply to a request for comments, a member of the law firm concerned stated that he had reviewed Ruling 3 and could see nothing therein relating to announcements respecting articling students, and pointed out that "graduation announcements and employment announcements are normal ways of indicating to the Community pleasure at a person's achievement and pride in having him associated with you". When the student asked the firm to make the announcement, it was felt that the request was reasonable and proper. The lawyer went on to say that another student has been taken on for the 1976-77 period. It is the firm's intention to run a similar announcement when his articles commence. The lawyer has invited the Committee's comments on his firm's views on this matter.

The Committee, after some consideration, has instructed the Secretary to advise the law firm that such notices in its opinion are not permitted under the provisions of Ruling 16, paragraph 4, and are contrary to the spirit of Ruling 3, both of the Rules of Professional Conduct.

THE REPORT WAS ADOPTED

Motion — Special Committee to Propose Method of Publishing Decisions of Discipline Committee, Opinions and Advice of Professional Conduct Committee, etc. to the Profession

It was moved, seconded and carried that the Treasurer be authorized to appoint a special committee to propose for Convocation's approval a method of publishing decisions of the Discipline Committee, opinions and advice of the Professional Conduct Committee, and other matters which should be brought to the profession's attention.

LIBRARIES AND REPORTING COMMITTEE

—Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on 13th November, 1975.

The following members were present: Messrs. Seagram (Chairman), Strauss, Wallace and Farquharson, and Miss A. R. McCormick.

Great Library

Gifts and Donations

The following donations have been received by the Great Library:

The Honourable P. Wright, The High Court of Justice for Ontario, Osgoode Hall	A total of eight volumes on various topics, in particular International Law.
John D. Honsberger, Q.C., Toronto, Ontario	Prang, Margaret E. *N. W. Powell: Ontario Nationalist.* Toronto, University of Toronto Press (1975) U.S. Laws, statutes, etc. *Bankruptcy act and rules, as amended to 1975,* edited by Asa S. Herzog (et al.) (1975

Collier pamphlet edition) as presented at the 49th Annual Meeting of the National Conference of Bankruptcy Judges, Houston, Texas and Mexico City, October 29 — November 1, 1975.

BOOK LIST

A list of books recently purchased was approved.

COUNTY LAW LIBRARIES

CENTRAL ADMINISTRATIVE PROGRAMME

The librarians of the Hamilton Law Association and the Simcoe County Law Association recently attended at the Great Library for instruction in library procedures. The Chief Librarian requested approval of the payment of expenses incurred in this connection.

The Committee recommends approval of payment of these expenses.

MIDDLETON LIRBARY

This library, which is the property of John G. Middleton, Q.C., of Toronto, son of the late Mr. Justice Middleton, is available for purchase. It is recommended that the Society take advantage of the opportunity to acquire the library.

Approved subject to the approval of the Finance Committee and on condition that the funds come out of the Society's general funds and not out of the Committee's budget for Libraries.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE

—Mr. Cartwright

Mr. R. Ian Cartwright, Chairman, presented the Report of the Legislation and Rules Committee of its meeting on 12th November, 1975.

The following members were present: Messrs. Cartwright (Chairman), Common, Furlong, Krever, and Mrs. Legge.

PROPOSED AMENDMENTS TO THE REGULATION WITH RESPECT TO DISCIPLINE PROCEDURES

The Committee considered subsections to replace subsections

6 and 7 of section 13 of the Regulation which deal with discipline procedures. It is anticipated that the Committee's deliberation in this connection will be completed in the near future.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON
J. SHIRLEY DENISON BEQUEST

Mr. A. E. Shepherd presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 13th November, 1975.

The following members were present: Messrs. Sheard (Chairman), Cass, Pepper and Shepherd.

STUDENT APPLICATIONS

The Committee considered seven applications from students and a memorandum of recommendations from the Assistant Director for the Bar Admission Course. The Committee recommended payment of grants to six applicants.

THE REPORT WAS ADOPTED

CONVOCATION ROSE AT 5:00 P.M.

Read in Convocation and confirmed 16th January, 1976.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Friday, 5th December, 1975
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Cartwright, Cass, Chappell (after his election), Common, Cooper, Farquharson, Furlong, W. G. Gray, Ground, Henderson, Humphrey, Mrs. Legge, Mr. Levinter, The Hon. Roy McMurtry, The Right Hon. Roland Michener, Messrs. O'Brien, Ogilvie, Pallett, Robins, Salhany, Seagram, Shepherd, Shibley, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace and Zahoruk.

ELECTION OF BENCHER

A vacancy was caused in Convocation by Mr. Arthur Maloney becoming a Bencher ex officio effective 21st November, 1975. Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and carried that Mr. *Hyliard G. Chappell* of Toronto be elected to fill the vacancy in Convocation.

Mr. Chappell entered Convocation and was welcomed to the Bench by the Treasurer.

APPOINTMENT OF REPRESENTATIVE TO THE CANADIAN LAW INFORMATION COUNCIL

Following his appointment as a Judge of the High Court of Justice of the Supreme Court of Ontario, Mr. Horace Krever resigned as the Society's representative to the Canadian Law Information Council.

It was moved, seconded and carried that Mr. *Norman MacL. Rogers* of Toronto be the Society's representative in place of Mr. Horace Krever.

ANTI-INFLATION PROGRAM — WAGES AND PRICE CONTROLS

The Treasurer read a letter from the Attorney General of Ontario respecting the anti-inflation program, particularly as it relates to professional incomes, pointing out that the program's success is largely dependent upon voluntary compliance and expressing his confidence that members of the legal profession will support this important national effort.

MOTIONS — THE HONOURABLE STANLEY RONALD BASFORD, P.C., MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

(a) CALL TO THE BAR

It was moved, seconded and carried that pursuant to Section 1 of The Barristers Act, R.S.O. 1970, c. 39, The Honourable Stanley Ronald Basford, Minister of Justice and Attorney General of Canada, be called to the Bar of Ontario on Friday, 5th December, 1975, without complying with the rules of the Society as to admission, examination, payment of fees or otherwise.

(b) HONORARY MEMBERSHIP

It was moved, seconded and carried that pursuant to Rule 48(1) under The Law Society Act, The Honourable Stanley Ronald Basford, Minister of Justice and Attorney General of Canada, be made an honorary member of the Society until such time as he may wish to assume active practice within the province.

BUILDING COMMITTEE

At the Treasurer's request, the Secretary presented the Report of the Building Committee of its meeting on 1st December, 1975.

The following members were present: Messrs. Thom (Chairman), Common, Levinter, Pepper, Robins, Sheard, and Mrs. Legge.

Messrs. Heeney and Shepherd were also present.

In May of this year the Committee reviewed the physical arrangements in Osgoode Hall for the Benchers and the Society's administrative staff. The addition of ladies to the Bench and the need for more office accommodation led the Committee to consider how best to utilize the space within the present building to provide for lockers for lady Benchers, expansion of Benchers' locker facilities, expansion and improvement of the kitchen that serves the Benchers' Dining Room, expansion of accommodation for administrative purposes including better rest room facilities, particularly for female staff, and the provision of the necessary accommodation for lady Barristers as well as the re-arrangement of lockers for male members of the Bar. The Committee also considered that the entrance to the Society's premises should be improved, and that all areas should be air-conditioned.

The Committee reported to Convocation and with its approval asked Mr. Heeney, the Society's architect, to prepare plans and estimates of costs for the Committee's consideration. This has now been done and at its meeting on 1st December, the Committee had before it blue-prints showing the arrangement of rooms and facilities that Mr. Heeney recommends and indicating the order in which the renovations would be done if Convocation gives its approval.

In addition to the blueprints, Mr. Heeney submitted to the Committee memoranda from the Treasurer, the Secretary and others, showing the staff and other requirements that were taken into consideration in the development of the planned alterations. Included were estimates of costs based upon the preliminary studies and 1975 values. The alterations would be accomplished in three phases over a period of approximately two years, at a total cost of slightly more than $1,900,000.

The Committee has given careful consideration to the plans and preliminary consideration to ways and means of meeting the costs involved and now recommends to Convocation that the Committee and the Finance Committee be asked to prepare and submit to Convocation a detailed proposal for carrying out and paying for the project defined in the plans submitted to Convocation.

THE REPORT WAS ADOPTED

CALL TO THE BAR

The Honourable Stanley Ronald Basford, Minister of Justice and Attorney General of Canada, was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer.

BENCHER EX OFFICIO

Upon his call to the Bar, The Honourable Stanley Ronald Basford, Minister of Justice and Attorney General of Canada, became a Bencher ex officio of the Law Society pursuant to Section 12(1) of The Law Society Act. The Treasurer welcomed him to the Bench and invited him to take his place among his fellow Benchers.

APPOINTMENT AS Q.C. IN ONTARIO OF THE HONOURABLE STANLEY RONALD BASFORD

The Honourable R. Roy McMurtry, Q.C., Attorney General for Ontario, announced the appointment of The Honourable Ronald Basford as one of Her Majesty's Counsel learned in the law in Ontario.

CONVOCATION ROSE AT 11:50 P.M.

The Benchers attended the ceremony in Court before The Honourable G. A. Gale, Chief Justice of Ontaario, when The Honourable Ronald Basford took the usual oaths and signed the Rolls before the Chief Justice.

Following the ceremony, Mr. Basford was the guest of the Benchers at luncheon. The Honourable G. A. Gale, Chief Justice of Ontario, and The Honourable W. Z. Estey, Chief Justice of the High Court, together with members of Mr. Basford's staff, were also guests at luncheon.

Read in Convocation and confirmed 16th January, 1976.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 16th January, 1976
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carrier, Carter, Carthy, Cartwright, Cass, Chadwick, Chappell, Cooper, Farquharson, Fennell, Furlong, Goodman, R. J. S. Gray, Ground, Henderson, Humphrey, Kellock, Mrs. Legge, Messrs. Linden, Ogilvie, Pepper, Robins, Rogers (after his election), Seagram, Sheard, Shepherd, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, White, Williston, Willoughby and Zahoruk.

THE HONOURABLE ROY LINDSAY KELLOCK, C.C., Q.C.

The Honourable Roy Lindsay Kellock, a Bencher ex officio of the Society, died on 12th December, 1975. Mr. Kellock was called to the Bar in 1920 and became a Judge of the Supreme Court of Ontario in 1942. Two years later he was appointed a Judge of the Supreme Court of Canada. Following his retirement from the Bench in 1958, he became a Bencher ex officio of the Society. In 1970 after fifty years at the Bar, Mr. Kellock became a life member of the Society. In recognition of his outstanding service on the Bench and at the Bar Mr. Kellock was invested as a Companion of the Order of Canada in 1971.

MINUTES

The Minutes of Convocation of 21st November, 1975 and of Special Convocation of 5th December, 1975 were read and confirmed.

ELECTION OF BENCHER

A vacancy was caused in Convocation by Horace Krever assuming judicial office as a Judge of the High Court of Justice of the Supreme Court of Ontario on 5th January, 1976. Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. Norman MacL.

Rogers of Toronto be elected a Bencher to fill the vacancy in Convocation.

Mr. Rogers entered Convocation and was welcomed to the Bench by the Treasurer.

APPOINTMENTS TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. Norman MacL. Rogers be appointed a member of the Legal Education Committee and the Legislation and Rules Committee.

ELECTION OF VICE-CHAIRMEN

Mr. Finlayson having been elected Chairman of the Legal Education Committee asked to be relieved of his duties as Vice-Chairman of the Discipline Committee. Convocation adjourned to permit a meeting of the Discipline Committee.

Convocation resumed and received the Report of the Discipline Committee as follows:

DISCIPLINE COMMITTEE (and Policy Section) Vice-Chairmen:—B. Clive Bynoe; J. D. Carnwath.

DISCIPLINE COMMITTEE—Mr. Lochead

Re: STEPHEN CHARLES FRENCH, Q.C., Toronto

Messrs. Brulé, Carthy, Cooper, Goodman, Kellock and Robins were not present in Convocation, took no part in the discussion and did not vote.

The reporter was sworn.

The matter was placed before Convocation.

The solicitor was not present, nor was counsel present on his behalf. J. A. B. Macdonald attended as counsel for the Society.

It was moved and seconded that the Decision of the Discipline Committee dated 2nd February, 1973, wherein the solicitor was found guilty of professional misconduct be accepted.

It was moved, seconded and carried that Convocation proceed.

The solicitor was called but there was no answer.

At 10:15 a.m. the Secretary read the Decision of the Discipline Committee, dated 2nd February, 1973, wherein the solicitor was found guilty of professional misconduct, having made improper withdrawals from his trust account and misappropriated approximately $9,000.

The solicitor was called again but there was no answer.

The motion that the Decision be accepted was *carried.*

It was moved, seconded and *carried* that Convocation, by Order, disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

MOTION RE: OPEN CONVOCATION

Convocation had before it on 16th May, 1975, a motion by Mr. Zahoruk "that the meetings of Convocation . . . be 'open' to all members of the Law Society of Upper Canada and that a suitable meeting room be provided to accommodate the Benchers and those members wishing to attend". On motion duly made, seconded and carried, the Treasurer was authorized to appoint a special committee on Convocation and the election of Benchers and refer the motion re "Open" Convocations to the special committee. The Special Committee was appointed under the chairmanship of Mr. S. L. Robins.

Mr. Zahoruk confirmed that he has withdrawn his motion respecting "open" meetings and that the matter need no longer occupy the attention of the Special Committee.

MOTION RE: Q.C.'s

It was moved by Mr. Cartwright, seconded by Mr. Pepper, that

> "The Benchers of the Law Society of Upper Canada in Convocation assembled do respectfully recommend to the Attorney General of Ontario that he constitute a Committee to consider and advise him on those qualifications which may in the future help to guide the Lieutenant Governor of Ontario in appointing a member of the Society to be a provincial officer under the name of Her Majesty's counsel learned in the law for Ontario."

It was moved, seconded and *carried* that consideration of Mr. Cartwright's motion be deferred until the motion respecting Q.C.'s passed at the Annual Meeting has been considered.

It was moved, seconded and *carried* that the Treasurer appoint a special committee to consider the way in which Convocation should proceed in considering the motion respecting Q.C.'s passed by the Annual Meeting.

LEGAL EDUCATION COMMITTEE—Mr. Finlayson

Mr. R. J. S. Gray presented the Report of the Legal Education Committee of its meeting on 8th January, 1976.

The following members were present: Mr. G. F. Henderson, Vice-Chairman, and Messrs. Brulé, R. J. S. Gray, Salhany, and Mrs. Tait.

ELECTION OF CHAIRMAN

Mr. G. D. Finlayson was elected Chairman of the Legal Education Committee.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments (Toronto)

It is recommended that the following appointments be made for the teaching term which commenced 8th September, 1975:

Estate Planning Section:

To continue as Head of the Section, D. J. Fuller.

Group Instructors:

D. C. Allen,
H. J. Alpert,
W. G. Beach,
E. Burnstein,
D. C. E. Champagne,
N. Chaplick,
L. G. Dollinger,
R. D. Finlayson,
M. M. K. Fitzpatrick,
C. T. Fletcher,
R. J. Fuller,
P. H. Harris,
R. E. Jarman,
J. F. Kennedy,
R. L. Kennedy, Jr.,
M. O'Donohue,
T. W. Powers,
E. J. Richardson,
J. T. Robson,
H. L. Roszell,
K. L. Saltzman,
P. U. Schmidt,
P. B. Shone,
J. M. Solursh,
S. Spiro,
J. M. Stewart,
T. A. Sweeney,
S. Taube.

Stand-by Instructors:

H. J. Alpert
S. L. Dunbar,
R. E. Jarman.

Approved

National Conference on Legal Education in Australia

In August, 1976 a National Conference on Legal Education in Australia will be held at the city of Sydney under the auspices of the Law Council of Australia. In its initial planning stages the Conference was to be limited to an International Conference on Legal Practice Courses or, in our terminology, Bar Admission training, but this has been enlarged to a conference on the whole spectrum of legal education. The International Conference on Legal Practice Courses has been incorporated into the wider conference and is to be an international forum on the subject of training courses for admission to the Bar. The Planning Committee has invited the Director to take part in the Conference and to join in the preparation of a discussion paper or papers for the Conference on the curriculum of legal practice courses.

The Committee recommended that Mr. Collins-Williams represent the Society at this Conference at the Society's expense.

SUB-COMMITTEE RE: ARTICLED STUDENTS

The following Report was submitted to the Committee by the Sub-Committee on Articled Students:

> "A sub-committee consisting of Messrs. Robert R. Carley, Q.C., Albert E. Shepherd, Q.C., and Norman MacL. Rogers, Q.C., as Chairman was appointed last spring by the Chairman of the Legal Education Committee to study and report on the areas of work which an articled student should be permitted to do in the commercial, corporate, real estate and estate fields.
>
> An earlier subcommittee under the Chairmanship of B. J. MacKinnon, Q.C., (as he was then) considered the type of work which an articled student was competent to do under the supervision of his principal in the Supreme, County and Provincial Courts. The report was adopted by Convocation and published in the Ontario Reports June 22, 1971, outlining the work in such Courts which an articled law student could do.
>
> A question has been raised recently by a member of the profession as to a student's authority to do and his responsibility for doing solicitor's work. The subcommittee was to consider whether it would be advisable or necessary to outline the areas of work students-at-law are competent to do.
>
> It should go without saying that no student can be permitted to give legal advice or to give commitments on behalf of his principal unless he is authorized by his principal. By the nature of a student's position in an office there is a holding out that as he is the agent of his principal when he gives an undertaking, he is authorized to give such under-

takings. If there is to be any limitation on the student's responsibility in this area, this should be communicated by his principal to any solicitor or person with whom the principal has authorized the student to deal.

If any question should arise as to whether a solicitor in dealing with a student ought to take an undertaking which binds the student's principal, particularly in real estate matters, it is our view that the solicitor ought to check with such student's principal. In the general course of a student's completion of a transaction, he ordinarily is presumed and is held out to have the essential authority to bind his principal.

In September 1972 the Professional Conduct Committee reported to Convocation with respect to paralegal personnel. They were asked whether a non-lawyer clerk was permitted to point out standard obligations or rights under an ordinary offer to purchase. The answer was "no" so far as articled clerks are concerned. However, a law student could be permitted to do this on the understanding that the principal must accept full responsibility. A second question was whether the law clerk could be permitted to advise the client in any routine and uncomplicated matter. Convocation in adopting the report said "no".

In the report by the subcommittee on paralegal personnel which was submitted to the Professional Conduct Committee early in 1974 under the Chairmanship of Peter Cory, Q.C., (as he was then), which report was subsequently endorsed by the Professional Conduct Committee, it was recommended that legal advice be given only by a member of the Law Society and it would be improper for a *law clerk* to give his own advice under any circumstance. However, an articled student-at-law is a student member of the Law Society and it may well follow that as such he is competent to give advice in a routine and uncomplicated matter under the general direction and supervision and certainly the ultimate responsibility of his principal. If law clerks or other paralegal personnel are employed by a member of the Law Society, such member must not only be responsible for the action of the employees but he must direct and supervise their work.

In the students' pocket handbook issued by the Bar Admission Course to both articled students and their principals, it is suggested that in delegating work, the principal first must explain what is to be done and how to do it and the reasons therefor. He must then wait for the student to carry out the instructions and then must check the result.

The responsibility given an articled student must vary from office to office. There may be some offices where students are treated as little more than messenger clerks whose duties are confined to filing documents, searching titles and carrying his principal's bag to Court. In other offices, there is a greater dependency on the student and he may serve in the capacity similar to that of junior lawyer in handling routine matters, particularly after he has gained some experience.

The Law Society in England has found that a solicitor who through failure to exercise proper supervision over his law clerks which enabled two of them to commit frauds on the public was guilty of professional misconduct. Rule 7 of our professional conduct rules requires that an undertaking given by one solicitor to another must be implemented. It may well follow then that an undertaking given by an articled student within his ostensible authority which is subsequently repudiated by his principal may raise some question of professsional misconduct on the part of the principal.

It is difficult to lay down, except in broad sweeping terms, any limitation on what a student should be permitted to do as he is in a learning environment and obviously will benefit from such limited responsibilities as may be given him.

It is our view that it would be unwise to place restrictions in any narrow sense on what he is permitted to do as a solicitor. So long as his principal bears in mind that he (the principal) ultimately is responsible for any commitments made by the student and that if the student is dealing with clients or with opposing solicitors it must be made clear that his status is that of an articled student, then we are satisfied that no restrictions are necessary."

Received

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting on 8th January, 1976.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. Cass, R. J. Gray, Sheard, White, and Mrs. Sutherland.

ADMISSIONS OF STUDENTS-AT-LAW

An additional 34 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1975.

Approved

CALL TO THE BAR, 1976

A student in the teaching portion of the Bar Admission Course plans to leave Toronto to take up a teaching position abroad immediately following the completion of the Course and has requested permission, if successful in passing the Course, to be called to the Bar at the March Convocation.

The Committee recommended that the student be advised that arrangeemnts cannot be made for a call to the Bar in March as requested but that the call may be delayed a reasonable time if the student intends to return later in the year.

REPORT OF THE EXAMINING BOARD

The report of the Examining Board respecting the examinations held in January 1976 was before the Committee. Four candidates sat the examinations. Three passed and one failed. The report was adopted.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Shepherd

Mr. A. E. Shepherd, Chairman, presented the Report of the Finance Committee of its meeting on 8th January, 1976.

The following members were present: Messrs. Shepherd (Chairman), Pallett (Vice-Chairman), Fennell, Henderson, Ogilvie, Pepper and Sheard.

ROLLS AND RECORDS

Appointment to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Horace Krever, Q.C., Toronto	Called—28 June 1956 Appointed Judge, S.C.O., High Court of Justice — 28 November 1975
Duncan Gordon Blair, Q.C., Ottawa	Called—20 November 1952 Appointed Judge, S.C.O., Court of Appeal — 14 November 1975
Bertha Wilson, Q.C., Toronto	Called—25 June 1959 Appointed Judge, S.C.O., Court of Appeal — 18 December 1975

Deaths

The following members have died:

Frederick Robert Duncan, Q.C., Guelph	Called—21 September 1944 Deceased—16 September 1975
Alexander Leslie Elliott, Q.C., Peterborough	Called—16 September 1926 Deceased—13 October 1975
The Hon. Roy Lindsay Kellock, Q.C., Brantford (former Judge, S.C.O., Bencher ex officio, Life Member)	Called—16 September 1920 Deceased—12 December 1975
Claude Thomas Lowe, Q.C., Hamilton	Called—18 January 1951 Deceased—21 December 1975
Gordon Wayne Smith, Toronto	Called—7 April 1961 Deceased—25 November 1975
Maurice E. Stark, Toronto	Called—19 November 1931 Deceased—21 December 1975
Henry Edward Cook, Q.C., Toronto	Called—21 June 1934 Deceased—6 January 1976
Daphne Joan Marie Rose, Toronto	Called—23 June 1955 Deceased—23 December 1975
Thomas Mansell Weatherhead, Toronto	Called— 11 September 1919 Deceased—24 December 1975

Disbarment

The following former member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Gaetan Marcel Legault, Ottawa	Called—21 March 1958 Disbarred—Convocation, 21 November 1975

Noted

MEMBERSHIP RESTORED

Clare Whitney Morrison of Toronto, gave notice under section 31 that he had resigned as a Provincial Judge for the County of York and wished to be restored to the Rolls of the Society. Accordingly, his membership has been restored effective 1st December 1975.

Harold Richard Poultney, Q.C., of Toronto, gave notice under section 31 that he had resigned as Registrar and Master of the Supreme Court of Ontario and wished to be restored to the Rolls of the Society. Accordingly, his membership has been restored effective 3rd January, 1976.

The Hon. John Leonard Wilson of Port Carling, gave notice under section 31 that he had resigned as a Judge of the Supreme Court of Ontario and wished to be restored to the Rolls of the Society. Accordingly, his membership has been restored effective 18th December, 1975.

Approved

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

The following members who are sixty-five years of age or over, and who are fully retired from the practice of law and other employment, request consideration of their applications to continue their membership in the Society at a reduced annual fee of $25:

The Hon. John Leonard Wilson, Port Carling
James Michael McGlade, Gananoque
Russell Dodsley Humphreys, Q.C., Oshawa
John Colin Armour Campbell, Q.C., Ottawa
Donald Worthington Rose, Q.C., Toronto
Frank Augustus Schulman, Toronto

Approved

CHANGE OF NAME

Toni Barbara Polson, a solicitor practising in Toronto, requests that her name be changed on the Rolls and records of the Society to Toni Barbara Polson *Ashton,* thus including her married name.

Jonathan Lyon Miller, a student member, requests that his name be changed on the Rolls and records of the Society to Jonathan Lyon *Mendes* Miller.

Approved

EMPLOYEE EDUCATION

Some employees have been assisted in further education by the Law Society on an informal basis. It is requested that a formal plan based on the arrangements which exist for the Society's employees in the Ontario Legal Aid Plan be adopted to apply to the rest of the Society's employees. This would involve prior approval by the Secretary of the educational course to be taken, so that it may be seen to be of ultimate benefit to the Society. 50% of the cost of approved courses would be paid by the Society at commencement. The remaining 50% would be reimbursed to the employee on successful completion of the course.

Approved

LIBRARIES AND REPORTING COMMITTEE

Middleton Library

At its meeting on November 13th, 1975, the Libraries and Reporting Committee approved the acquisition of the Middleton Library. It was understood that the cost of acquisition of the library would not be a charge against the Libraries budget.

The Middleton Library has been valued and a cheque will be issued by the Society in favour of Mr. J. G. Middleton, Q.C. The library is housed in the Campbell House. A certain amount of rebinding, not exceeding a cost of $2,500, will also be incurred by the Society. It is proposed that the Society apply to the Law Foundation of Ontario for a grant in respect of the cost of acquiring and rebinding the Middleton Library.

Mr. Pepper did not vote. He undertook to write to the Society as President of the Advocates' Society to confirm that any member of the Society may have access to the books.

Approved

Special Grant to County and District Libraries

At its meeting on January 8th, 1976, the Libraries and Reporting Committee considered a request from Middlesex County for a special grant of $3,500. Provision for this amount was made in the Libraries budget for the current year. The Libraries and Reporting Committee approved this request and it was recommended that this approval be ratified by this Committee .

Approved

BUILDING EXTENSION AND RENOVATION

The Committee appointed the Chairman of this Committee a sub-committee of one to consider the financing of building extension and renovation. This sub-committee will suggest alternative forms of financing so that this Committee may recommend to Convocation the way in which the building extension and renovation first considered by Convocation on December 5, 1975, may be financed.

EMERGENCY MAIL SERVICE

Although all accounts have not yet been received for payment, it is possible to estimate that the financial outcome of the Emergency Mail Service which was operated from October 27th to December 5th, 1975, will be a small surplus. The Ontario Legal Aid Plan has been reimbursed for all additional costs which they incurred through the operation of the service.

Noted

DISCIPLINE COMMITTEE

An up-to-date schedule of amounts outstanding in respect of orders as to costs made by Convocation against members who have been subject to Discipline Committee hearings was before the Committee.

Noted

WESTERN LEGAL PUBLICATIONS LTD. — REPORTING SERVICE FOR UNREPORTED DECISIONS

The following item appeared in the report of the Libraries and Reporting Committee of its meeting on October 9th, 1975:

> "The Committee recommended that the request for the use of the Law Society's mailing list be referred to Convocation for a policy decision since it is outside the authority of the Committee to decide. The Committee recommended that the request for $40,000 to commence service in Ontario is also a policy decision which is outside the authority of the Committee and should be referred to the Finance Committee after December 9th, 1975, when the Trustees of the Law Foundation meet to consider a grant to the above company."

This organization has also asked for financial assistance from the Law Foundation of Ontario. The company has a commitment of $5,000 from the Canadian Law Information Council and a further $5,000 has been promised from the Law Society of Manitoba. At its meeting on December 9th, 1975, the Trustees of the Law Foundation of Ontario deferred this matter pending a review with the Law Society.

At this time the Committee does not recommend that the Society make funds available.

. . . . . .

Mr. Cartwright was not present, took no part in the discussion and did not vote.

. . . . . .

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:35 P.M.

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice MacKinnon, The Honourable Mr. Justice Howland and Dr. Donald C. MacNeill, President of the Ontario Medical Association.

CONVOCATION RESUMED AT 2:20 P.M.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Carthy, Cass, Chadwick, Chappell, Farquharson, Fennell, Finlayson, Furlong, Goodman, Ground, Kellock, Mrs. Legge, Messrs. Linden, Ogilvie, Pepper, Rogers, Seagram, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Williston and Willoughby.

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

Mr. H. G. Chappell presented the General Report of the Policy Section of the Discipline Committee of its meeting on 8th January, 1976.

It was moved, seconded and *carried* that consideration of the Report be deferred until the February Convocation.

COMPENSATION FUND SUMMARY

Mr. Chappell presented the Summary of the Compensation Fund for the period ended 31st December, 1975.

COMPENSATION FUND

For the Period 1st July, 1975 to 31st December, 1975
(6 months)

TOTAL RECEIPTS	$ 165,636.51
TOTAL DISBURSEMENTS	128,779.88
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 36,856.63
BALANCE OF FUND 1st July 1975	1,414,187.62
BALANCE OF FUND 31ST DECEMBER 1975	$1,451,044.25

RESUME OF GROSS CLAIMS OUTSTANDING

CLAIMS RECEIVED and in the course of being processed as of 31st December 1975	$2,330,560.39
TOTAL PAID to 31st December, 1975 from the commencement of the Fund on account of 932 claims of 98 former solicitors	$3,487,433.92

THE SUMMARY WAS RECEIVED

Re: GERALD STANLEY SHEA, Atherley

Messrs. Linden and Williston were not present, took no part in the discussion and did not vote.

The reporter was sworn.

The matter was placed before Convocation.

The solicitor did not attend nor was he represented by counsel.

It was moved and seconded that the Decision of the Discipline Committee, dated 3rd December, 1975, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor be accepted.

The Secretary read the Decision of the Discipline Committee dated 3rd December, 1975, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor by reason of his conviction of the crime of manslaughter and sentenced to 12 years in penitentiary.

The motion that the Decision be accepted was *carried.*

It was moved, seconded and *carried* that Convocation, by Order, disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

Mr. J. J. Carty, Chairman, presented the Report of the Special Committee on Errors and Omissions Insurance of its meeting on 10th December, 1975.

The following members were present: Messrs. Carthy (Chairman), Levinter, Wallace and Thom (Treasurer). Mr. Peter Norman, the Society's consultant, Mr. Fred Maltman, the Society's adjuster, and Mr. Denis Burnett attended at the Chairman's request.

The Committee will recommend in this Report that the Society change the basis upon which its members are insured and adopt a partially self-insured plan of professional liability insurance beginning in January, 1977 and that in the meantime during the final year of the existing policy the members be charged a higher levy so that the necessary insurance fund can be established.

The reasons underlying these recommendations require detailed explanation. The Society first became involved in liability insurance for its members in 1967 when the cost of insurance coverage for lawyers began to rise sharply, in some instances more than doubling notwithstanding no claims had been made. Some lawyers were paying an annual premium of $700 for $50,000 coverage and others found they could not obtain insurance at any cost.

In these circumstances, both for the protection of the public and the protection of the members of the profession, the Society explored the possibility of embarking upon a plan of compulsory liability insurance to provide coverage for all practising members at the lowest possible cost. It was learned then that the loss experience upon which many insurers quoted included not only other professions but loss experience in the United States where conditions differ from conditions here. Accurate loss experience records relating to lawyers in

Ontario were non-existent, so a questionnaire was prepared and circulated among the Society's members, 76% of whom completed and returned the unsigned questionnaire listing their own loss experience during the five years preceding the 1st of January, 1970. On the basis of the statistics built up from the return from those questionnaires a number of insurers submitted quotations. They were impressed that losses in Ontario were significantly lower than in other parts of North America and confident that this resulted in large measure from the way in which lawyers are trained and governed in this jurisdiction.

The first policy was written by Guardian Insurance Company of Canada commencing on the 1st of January, 1971 providing $100,000 per occurrence coverage with a deductible of $2,000 with legal costs being subject to the deductible, for which the Society paid an annual premium of $89.50 per practising member. A levy of $110 was paid to the Society by each member covered by the policy to defray, in addition to the premium, the cost of brokers' fees, adjusting, and the establishment of a reserve fund against future fluctuations in premium. The insurer was reluctant to continue beyond the first year and an agreement was reached between the Society and the Guardian whereby the Society would become entitled to receive back unexpended premium and interest above an agreed-upon break-even figure or to accept responsibility for making up losses by the amount that they might exceed the break-even figure. The final result of that agreement is not yet determined but the Society's view at that time appears now to have been somewhat optimistic. The losses paid and reserved are at present in excess of the break-even figure by approximately $60,000. A number of claims remain to be finally determined so that, although it is possible that this position might change in the Society's favour, it appears now to be unlikely that it will.

At the end of 1971 the Society entered into a contract with Lloyd's of London to run for three years beginning in January, 1972 at a premium of $85 per member. The coverage remained substantially unchanged and the Society continued to charge its practising members $110 each with the difference being used for administration and adjusting of claims and a contingency fund.

It was a condition of the policy that if in any year paid and reserved claims exceeded 75% of the paid premium, the Society would be required to negotiate a higher premium for the ensuing year. In 1972 claims paid and reserved slightly exceeded 75% of the paid premium but after negotiation it was agreed that the premium for 1973 remain unchanged. The loss record, however, continued to deteriorate. In that year the insurer received approximately $600,000 in premiums and faced claims paid and reserved of approximately $1,100,000.

In the circumstances it was decided to cancel the final year of the three-year contract with Lloyd's and to enter a new three-year contract to cover 1974-5-6 at an annual premium of $135 for 1974 when the deductible would remain at $2,000 and $117 for each of the subsequent two years when the deductible would rise to $5,000. Covered members would be charged $135 in each year, the contingency fund being used in 1974 to provide the necessary funds for adjusting and administrative costs.

In 1974 the insurer received approximately $1,000,000 in premiums and faced claims paid and reserved of approximately $1,700,000. In short, during 1972, 1973 and 1974 claims exceeded premiums by approximately $1,111,000 and loss experience continues to grow worse.

The picture is much the same throughout North America and abroad where the problems facing professional liability insurers appear to be related to the erosion of public respect for the professions and to the publicity given to high awards made in negligence cases involving professionals. The increasing complexity of business transactions and an apparent decay in the standards of professional care seem to be contributing factors in the spiraling incidence and cost of professional negligence.

The suggestion that the profession in Ontario be essentially self-insured is not new. It was given serious consideration in 1967 and has been reconsidered several times since. A major, but not the only advantage, to such a scheme is psychological. It draws forcibly to the attention of those covered that the cost of their negligence is coming directly from their own pockets and banishes the false sense of security engendered by the feeling that a wealthy insurance company stands between them and the consequences of their mistakes. It is significant that the three Canadian jurisdictions, British Columbia, Alberta and Manitoba, which have self-insured plans, are the only ones where costs and losses are being controlled.

The situation facing the Society at the present time may be summarized as follows. The contract with Lloyd's of London terminates at the end of this year. Present indications are that the cost of renewing the coverage in 1977 would be approximately $400 per member. Three courses of action are open:

1. To continue the present coverage until it terminates and then negotiate the best possible contract for the ensuing years including some formula for the adjusting of premiums depending upon loss ratios.
2. To cancel the final year of the present contract and negotiate a new contract for three years at a higher premium. If this were done, the present indications are that the premium for the present year would be approximately $200 excluding adjusting, administrative and reserve costs with premiums rising in subsequent years based upon claims experience.
3. To continue the present contract to its termination and thereafter adopt a scheme of partial self-insurance coupled with a vigorous programme of loss prevention.

The Committee has had the benefit of the advice of P. D. Norman & Associates (Ontario) Limited, Risk Management Consultants, and has considered the plans which are in operation in the other Provinces already mentioned as well as had the advantage of conducting preliminary discussions with J. H. Minet & Co. (Canada) Ltd., the Society's brokers.

The Committee recommends that the third choice be adopted, that is to say, that:

(a) The Society continue to be covered under the present contract with Lloyd's in 1976;

(b) That the Society adopt a partially self-insured plan to commence in January, 1977 providing the following coverage:

> $100,000 each occurrence subject to a deductible to be decided upon, legal costs being subject to the deductible.

(c) The Society to assume responsibility for the $20,000 in excess of the deductible;

(d) That insurance be obtained for the excess of deductible and retention up to $100,000;

(e) That the Society's fund be insured against depletion;

(f) That a Claims Manager and a secretary to work for him be engaged;

(g) That the levy for each practising member of the profession in 1976 be $200 so that an adequate insurance fund can be established.

It is imperative that the question of policy involved in the recommendations which the Committee has made be settled without delay so that the levy for 1976 can be announced to the profession and negotiations for the future be undertaken with insurers and if the Committee's recommendations are adopted the necessary administrative arrangements be made.

The Committee suggests that when the profession is notified of the levy applicable to 1976 and of the plan for coverage in 1977 the members be asked to express their views with respect to these developments and the details of the application of the new scheme.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 10th December, 1975.

The following members were present: John D. Bowlby, Chairman, and Messrs. Barnes, Carnwath, Cass, Fairbairn, Ferrier, Finlayson, Harris, Leitch, Levinter, Linden and Wallace.

Arthur C. Whealy, President, Criminal Lawyers' Association, and J. K. Doner, Area Director, Kenora, were also in attendance at the meeting by special invitation.

REPORT OF THE DEPUTY DIRECTOR

(a) *Finance*

For the seven month period ended October 31st, 1975, the Plan expended $4,055,000 in excess of budget. This excess expenditure is made up as follows:

Fees and Disbursements

	$	$
Duty Counsel	112,000	
Criminal	2,304,000	
Civil	1,537,000	
Legal Advice	25,000	3,978,000
Area Office Costs		155,000
Administrative Costs		50,000
Parkdale Community Legal Services		104,000
Windsor and Western Law School Clinics		33,000
		4,320,000

Deduct: Income received in excess of budget:		
Client contributions	215,000	
Client recoveries	10,000	
Miscellaneous income	40,000	265,000
		4,055,000

Of the total increase in fees and disbursements paid to solicitors, approximately 84% is accounted for by volume of cases paid in excess of budget. The remaining 16% is accounted for by increases in the average case costs when compared with budgeted average costs.

(b) *Statistics*

For the seven month period ending October 31, 1975, a total of 119,054 persons were reported as seeking assistance at area offices. This is an increase of 29,876 or 33% when compared with the first seven months of last fiscal year. The total increase is broken down as between 18,772 informal applications (an increase of 50%) and 11,104 formal applications for Legal Aid (an increase of 21%).

Certificates issued totalled 50,662 for an increase of 9,857 or 24%. Criminal certificates increased by 5,829 or 28% and civil certificates issued increased by 4,029 or 20%.

Persons assisted by Duty Counsel totalled 88,066. This represents an increase of 15,749 or 22% over last year's figures. Again, the increase is broken down as between criminal 10,212 (an increase of 19%) and civil 5,537 (an increase of 31%).

REPORT OF THE LEGAL ACCOUNTS OFFICER

(*a*) *Activity*

	Sept.	Oct.	Nov.
Accounts on hand at beginning of the month	8988	6175	4487
Accounts received during month	4960	4836	4971
Total accounts to be processed	12948	11011	9458
Less A. O. Files cancelled during month	28	32	18
Less Accounts processed during month	6,745	6,492	5,094
Balance on hand at month end	6175	4487	4346

The above figures do not reflect accounts for Interim Disbursements and Supplementary Payments.

(b) *Reviews and Appeals*

Reviews	Sept.	Oct.	Nov.
Reviews on hand	83	35	82
Reviews carried in	102	108	48
	185	143	130
Settlements reviewed	90	60	29
Settlements awaiting review	59	53	66
Settlements awaiting further information	36	30	35
	185	143	130
Appeals			
Appeals to Taxing Master received during November	—	2	—
Appeals heard by Taxing Master	—	—	2
Appeals pending at the end of the month	6	6	6
Appeals abandoned	—	—	—

APPOINTMENT OF VICE-CHAIRMAN

The Committee recommends that L. K. Ferrier be appointed a Vice-Chairman of the Legal Aid Committee.

LEGAL AID CRIMINAL APPEALS

The Director received correspondence from The Honourable Mr. Justice Brooke dated October 7th, 1975, and November 19th, 1975, wherein he recommended certain changes to Criminal Legal Aid Appeals.

The Committee after reviewing the correspondence recommended that a Sub-Committee be appointed consisting of the following members: R. J. Carter, Chairman, Austin M. Cooper, D. G. Humphrey; the said Sub-Committee to meet with The Honourable Mr. Justice Brooke and make recommendations to resolve the issues raised.

THE LAW FOUNDATION OF ONTARIO

On December 9th, 1975, a meeting of the Foundation Trustees was held and as a result of that meeting the Legal Aid Committee was informed that commencing in January, 1976, funds will be received from the Law Foundation on a quarterly basis instead of an annual basis as heretofore.

SEMI-ANNUAL MEETING OF PROVINCIAL DIRECTORS

A Provincial Directors' meeting will be held in Montreal on January 29th and 30th, 1976. A report will be submitted to Convocation at its meeting in February, 1976.

MEETING OF AREA DIRECTORS

A two-day meeting of Area Directors was held on November 27th and 28th, 1975. Six position papers prepared by the administrative staff were discussed. The position papers were developed with a view to fixing policy in the major areas of an Area Director's responsibility. The purpose of the November meeting was to arrive at criteria and develop policy through discussion which could be implemented on a uniform basis throughout the Province to overcome the criticism of the "uneven administration of the present Plan" as set forth in the Osler Task Force Report. The policies approved at the Area Directors' meeting will now form the basis of a new Area Directors' handbook.

AREA DIRECTORS' ADVISORY COMMITTEE

As a result of the Area Directors' meeting held on November 27th and 28th, 1975, an Area Directors' Advisory Committee has been formed consisting of six Area Directors.

The Province is divided into six groups and each group will be under the chairmanship of an Area Director. These six chairmen will constitute the Advisory Committee to consist of the following:

D. G. Cunningham, Frontenac County;
G. J. Grant, Perth and Middlesex Counties;
K. P. Lefebvre, Brant County;
G. H. Marsden, Peel County;
D. J. Warner, Victoria and Haliburton Counties; and
B. B. Tremblay, Thunder Bay District.

These chairmen will provide input to the Provincial Office on a regular basis and also act as a funnel for information and policy flowing from the Provincial Office to the Area Directors at large.

The six groups will meet on a regular monthly basis with a view to implementing policy in the major areas of an Area Director's responsibility and ensuring uniformity of delivery of legal aid services.

CONTINUING EDUCATION

On Saturday, November 29th, 1975, a Course was held on Poverty Law under the direction of the Ontario Legal Aid Plan. The following members of the Bench and Bar presented the course:

His Honour Judge David Steinberg, Hamilton — Practice in the Provincial Court (Family Division) with emphasis on maintenance and wardship hearings.

John Evans, Barrister, Hamilton — Methods of Recovery of employees' wages by common law and by Statute.

W. G. Posthumus, Barrister, Toronto — The preparation and presentation of Workmen's Compensation Board Claims including defining of work-related injuries, causation and quantum.

Mary Hogan, Barrister, Parkdale Community Legal Services — Tenants' rights including defence to eviction proceedings, prosecution of landlords and tenants' "unions".

Arthur Maloney, Q.C., Ombudsman — Function of the Ombudsman's Office.

Leonard Wratten, Q.C., Toronto — Consumer's rights, including avoidance of contracts and the defence of claims for payment and counterclaims.

Carl H. Morawetz, Q.C., Toronto — Advising the non-business debtor, including the use of credit counselling and the provisions of the Bankruptcy Act.

Simon R. Fodden, Barrister, Toronto — Claims to Public Support including appealing administrative refusals and resisting claims for payment of benefits.

The Honourable Mr. Justice Peter deC. Cory, Toronto — The responsibility of the profession with emphasis on the method of delivery in the poverty law field of the profession.

FUNDING—COMMUNITY LEGAL SERVICE PROJECTS

In May, 1975, the Committee appointed a Sub-Committee on Interim Funding of Community Service Organizations to determine the principles and priorities on which it would receive applications from groups for funding and to establish criteria on which money can be paid out.

In June, 1975, the Sub-Committee submitted a report which was approved by the Legal Aid Committee and Convocation and in essence concluded that the Attorney General be left with the decision as to whether independent legal service groups should, in fact, be funded from the point of view of authority and also as to the monies available.

On November 12th, 1975, members of the Legal Aid Committee met with the Directors of Parkdale Community Legal Services at the Community Centre. Professor Alan Grant, Chairman of the Board, requested that the monthly commitment to Parkdale of $17,361 approved by the Legal Aid Committee for the period October 1st, 1975, to December 31st, 1975, be increased to $21,500 per month for that same period. Professor Grant advised that this increase was in line with the budget originally presented by S. R. Ellis, Director of Parkdale Community Legal Services, in September, 1975. Professor Grant also requested that a financial commitment be made by the Legal Aid Plan to fund Parkdale for a further six-month period from January 1st to June 30th, 1976, at the same rate of $21,500 per month.

The Committee reviewed correspondence from Professor Grant and recommends that the monthly commitment to Parkdale of $17,361 approved by the Legal Aid Committee for the period October 1st, 1975, to December 31st, 1975, be increased to $21,500 per month for that same period and that funding for Parkdale through the Legal Aid Plan for a further six-month period from January 1st to June 30th, 1976, be at the increased rate of $21,500 per month, such financial commitment to be reviewed at the end of that period.

Lay Representation on the Legal Aid Committee

The Attorney General wrote the Chairman of the Legal Aid Committee setting out his appointment of lay persons to the Legal Aid Committee. They are as follows:

Mrs. Peggy Smyth, Sault Ste. Marie	Consumers' Association
Mr. William Baker, Don Mills	Treasurer of Labour Council
Mrs. Kathleen Fleming, Dundas	Children's Aid Society
Dr. R. L. Lamb, Toronto	Ontario Teachers' Federation

Mrs. Ruth Jarmain, London	Provincial Council of Women
Mr. David Lewis, Thamesville	Moravian Indian Council
G. H. Gilchrist, Sudbury	United Steel Workers
Father Denis Lacelle, Hammond	Association Canadienne-Francaise de l'Ontario
Mr. Anthony Barrett, Toronto	Canadian Environmental Law Association
D. W. Jones, Niagara Falls	Former Member, Niagara Housing Authority

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends the following be appointed a member of the Area Committee in:

Cochrane District

Richard Albert, Manager, Canada Manpower Centre.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee of its meeting on 7th January, 1976.

The following members were present: John D. Bowlby, Chairman, and Messrs. Baker, Barrett, Carnwath, Cass, Chadwick, Cherniak, Ferrier, Mrs. Fleming, Messrs. Gilchrist, Harris, Mrs. Jarmain, Mr. Jones, Father Denis Lacelle, Messrs. Lamb, Leitch, Lewis, Linden, and Mrs. Smyth.

A. G. Campbell, Senior Crown Counsel, Policy Development Division, Ministry of the Attorney General, and Mrs. Gretta J. Grant, Area Director, Perth and Middlesex Counties, were also in attendance by special invitation.

REPORT OF THE DEPUTY DIRECTOR

(a) *Finance*

For the eight month period ended November 30, 1975, the Plan expended $4,413,000 in excess of budget. This excess expenditure is made up as follows:

	$	$
Fees and Disbursements		
Duty Counsel	106,000	
Criminal	2,483,000	
Civil	1,715,000	
Legal Advice	23,000	4,327,000
Area Office Costs		176,000
Administrative Costs		31,000
Parkdale Community Legal Services		122,000
Windsor and Western Law School Clinics		33,000
		4,689,000
Deduct: Income received in excess of budget:		
Client contributions and costs received	225,000	
Miscellaneous income	51,000	276,000
		4,413,000

(b) *Statistics*

For the eight month period ending November 30, 1975, a total of 134,490 persons were reported as seeking assistance at area offices. This is an increase of 32,201 or 31% when compared wtih the first eight months of the last fiscal year. The total increase is broken down as between 20,323 informal applications (an increase of 48%) and 11,978 formal applications for Legal Aid (an increase of 20%).

Certificates issued totalled 57,662 for an increase of 10,585 or 22%. Criminal certificates increased by 6,248 or 26% and civil certificates issued increased by 4,337 or 19%.

Persons assisted by Duty Counsel totalled 99,295. This represents an increase of 16,115 or 19% over last year's figures. Again, the increase is broken down as between criminal 10,267 (an increase of 16%) and civil 5,848 (an increase of 29%).

(c) *Write-offs*

George E. Wallace, Vice-Chairman, has approved the writing-off of the following totals of amounts due to the Legal Aid Fund:

	No. of Accounts	Total Value	Reason for Writing-Off
Contributions	115	$ 8,971.82	Neither the Provincial Office, the Area Director nor the collection agents can locate the clients.

Costs	27	$13,818.29	Neither the Provincial Office, the Area Director nor the collection agents can locate the judgment debtor.

REPORT OF THE LEGAL ACCOUNTS OFFICER

(a) *Activity*

	Oct.	Nov.	Dec.
Accounts on hand at beginning of the month	6175	4487	4160*
Accounts received during month	4836	4971	5355
Total Accounts to be processed	11011	9458	9515
Less A.O. Files cancelling during month	32	18	27
Less Accounts Processed during month	6492	5094	3847
Balance on hand at month end	4487	4346	5641

The above figures do not reflect accounts for Interim Disbursements and Supplementary Payments.

(*This figure is taken from the actual count made December 1, 1975.)

(b) *Reviews and Appeals*

Reviews	Oct.	Nov.	Dec.
Reviews on hand	35	82	80
Reviews received in	108	48	77
	143	130	157
Settlements reviewed	60	29	55
Settlements awaiting review	53	66	69
Settlements awaiting further information	30	35	33
	143	130	157
Appeals			
Appeals to Taxing Master received during December	3	—	—
Appeals heard by Taxing Master	—	2	1
Appeals pending at the end of the month	7	7	5
Appeals abandoned	—	—	1

SPECIAL REGULATION SUB-COMMITTEE

On Monday, 5th January, 1976, a special meeting of the Sub-Committee to draft Regulations, requested by The Honourable R. Roy McMurtry, Attorney General for Ontario, was held. The following members of the Sub-Committee attended: John D. Bowlby, Chairman (ex-officio), James B. Chadwick, Austin M. Cooper, L. S. Fairbairn, L. K. Ferrier, G. D. Finlayson, A. M. Linden, George E. Wallace.

Brian W. McLoughlin, General Manager, Ministry of the Attorney General, A. G. Campbell, Senior Crown Counsel, Policy Development Division, Ministry of the Attorney General, also attended.

The Attorney General, in correspondence to the Chairman dated December 8th, 1975, urged the Chairman to prepare a Regulation under the Legal Aid Act to establish two Sub-Committees, as follows:

(1) A Financial Information Committee to consist of three members of whom at least one would be appointed by the Attorney General with authority to make recommendations as to —

- (a) financial control systems
- (b) budget procedures
- (c) auditing procedures
- (e) processing of accounts
- (f) record keeping and other administrative procedures.

(2) A Clinical Funding Committee to consist of three members of whom at least one would be appointed by the Attorney General with authority to make recommendations as to —

- (a) permit the support out of the Legal Aid Fund of independent community based clinical delivery systems;
- (b) "Clinical Delivery System" to mean any method of delivering legal or para-legal services to the public other than fee for service, and to include preventive law programmes and educational and training programmes calculated to reduce the cost of delivering legal services;
- (c) The Director of the Plan on the advice of the Clinical Funding Committee to issue some type of group certificate or provisional certificate under which each Clinic in receipt of a certificate could deliver services to its target group;
- (d) The Clinical Funding Committee to decide which groups should receive provisional funding pending the development of specific criteria and then pro-

ceed to develop more express criteria to permit the continuation and development of these alternative forms of delivering legal services.

After considerable deliberation the Sub-Committee approved two draft Regulations and the Legal Aid Committee now recommends that the following Regulations be put into effect in accordance with the Attorney General's request. The regulations establishing the Financial Information Committee and the Clinical Funding Committee are to read as follows:

(A) FINANCIAL INFORMATION COMMITTEE

1. There shall be a Committee, known as the Financial Information Committee, composed of:
   (a) two members appointed by Convocation from the Legal Aid Committee of the Law Society;
   (b) one member appointed by the Attorney General.
2. The Committee shall have power to advise and make recommendations regarding the financial operation of the Legal Aid Plan and, without restricting the generality of the foregoing, it may examine, report upon and make recommendations to the Law Society and Attorney General with respect to such matters as:
   (a) Financial Control Systems
   (b) Budgeting Procedures
   (c) Auditing Procedures
   (d) The Processing of Accounts
   (e) Record-keeping and other Administrative Procedures.
3. The Committee and any member of the Committee are empowered to obtain financial and administrative information required for its purposes, provided that such information is not privileged by law.

(B) CLINICAL FUNDING COMMITTEE

1. There shall be a Committee, known as the Clinical Funding Committee composed of:
   (a) two members appointed by Convocation from the Legal Aid Committee, and
   (b) one member appointed by the Attorney General.
2. The Clinical Funding Committee shall make recommendations to the Director regarding the Funding, and the terms and conditions of funding, of independent community based clinical delivery systems.
3. "Clinical delivery system" means any method for the

delivery of legal or para-legal services to the public other than by way of fee for service, and includes preventive law programmes and educational and training programmes calculated to reduce the cost of delivering legal services.

4. Upon the recommendation of the Clinical Funding Committee and with the approval of Convocation, the Director may issue a clinical certificate for any period not exceeding one year directed to the named clinical delivery system setting forth the terms and conditions of approval and funding and such a certificate may be issued retroactively. The Director may issue a provisional clinical certificate without the approval of Convocation, but such certificate may not be issued nor have effect after March 31st, 1976.
5. The monies required for the purposes of this regulation shall be paid out of the monies designated for the general purpose of this regulation.
6. A Clinical certificate shall not be issued unless monies have been designated for the general purposes of this regulation.

CRIMINAL LEGAL AID CERTIFICATES

The Director received correspondence from Edwin Clarke, Chairman of the Area Committee, Essex County, with respect to professional conduct under the Legal Aid Plan. The following questions were asked:

1. Can the Area Director refuse to issue two certificates to jointly accused persons when he knows that the certificates will be taken to the same member of a firm, or two different members of the same firm where it is evident that the defence may be antagonistic. Should such certificates be issued where the defence does not appear to be antagonistic and it is the intention of the jointly accused to have the same defence counsel or different defence counsel, from the same firm.
2. Is the Area Director justified in refusing to issue a certificate to an accused person where defence counsel is within the same firm as a special prosecutor who is conducting the prosecution against the accused of a charge other than that in respect of which a certificate is granted.
3. Customarily, the Essex Area Director issues a single

> certificate to a person simultaneously charged with an unrelated offence. Is the Area Director entitled to refuse to issue two certificates in such circumstances? Is the Area Director entitled to refuse to issue two separate certificates under such circumstances where he knows that the accused proposes to take one of the certificates to a partner of a special prosecutor, where the special prosecutor acts against him on another unrelated charge in respect of which a second certificate will be taken by the accused to a solicitor not associated with the special prosecutor.

After reviewing the questions the Committee recommends that a Sub-Committee be appointed to consist of the following members: C. R. Harris, Chairman, R. J. Carter, J. D. Carnwath; the said Sub-Committee to answer the aforementioned questions, and report back to the Legal Aid Committee.

LAW CLERK

The Legal Accounts Officer received an inquiry from a solicitor as to whether he would be permitted to charge fees at the rate of $12 per hour, approved in Schedule 4 of the Regulation, for services performed by his secretary, which services are normally handled by a Law Clerk. His secretary has taken a Law Clerk Course at a Community College and is providing Law Clerk services in addition to secretarial services. The Legal Accounts Officer advised that it is becoming prevalent for legal secretaries to perform secretarial and Law Clerk services. These services are particularly useful to a criminal lawyer practising on his own who cannot use the full time services of a secretary but does require assistance in obtaining adjournments, searching informations, etc.

The Committee recommends that the solicitor not be permitted to charge such fees under Schedule 4 of the Regulation for services performed by his secretary. It was noted there is no clear definition as to the responsibilities of a paralegal and until such a definition is forthcoming the Committee could not sanction the above payment.

LEGAL AID CLINICS

(a) *London Legal Aid Clinic*

Gretta J. Grant, Area Director, Middlesex and Perth Counties, Administrator of the London Legal Aid Clinic, presented to the Committee the following statistical summary on the operation of the London Clinic:

Period — October 25th to December 31st, 1975

Total Personal contacts			300
Referred to:			
Clinic Director	48		
Area Director	9		
Clinic Duty Counsel	95		
Civil Duty Counsel	1		
Advice Only	110		
Other	37	300	
Type of Problem:			
Miscellaneous	62		
Family Matters	72		
Landlord-Tenant	66		
Client-Debtor	34		
Client-Creditor	25		
Criminal Code	21		
Highway Traffic Act	14		
Incorporations	0		
Wills and Estates	6	300	
Telephone Contacts			164
Total Contacts			464

OTTAWA-CARLETON PILOT PROJECT

In October, 1975, the Legal Aid Committee recommended and Convocation approved a three-month pilot project to speed up the obtaining of an applicant's financial eligibility before a certificate is issued. It was recommended and the Ministry of Community & Social Services approved in most cases an applicant for legal aid should not be subjected to a separate financial interview. A form was designed wherein an applicant gives all necessary information on legal aid and financial background to the interviewer in the Area Director's office. The single form is then reviewed not only by the Area Director as to legal eligibility but also by a field officer of the Ministry of Community & Social Services as to financial eligibility. From the single form it is then determined whether a certificate should, in fact, be issued. This relieves the applicant of having to be subjected to two interviews at different times and thereby promotes the expeditious issuance of a certificate.

In view of the obvious success of the project the Committee has now approved the extension of the said pilot project to the end of March 31st, 1976.

RULE 47, THE LAW SOCIETY ACT

In September, 1975, the Committee approved a re-draft of Rule 47 of The Law Society Act to facilitate the addition of lay representatives to the Legal Aid Committee and also a Student legal aid committee member.

The Legal Aid Committee's proposed re-draft has now been reviewed by the Legislation and Rules Committee of the Law Society. The said Committee changed the format of Rule 47 as proposed by the Legal Aid Committee but did not change the substance.

The Committee now approves Rule 47 as amended by the Legislation and Rules Committee of the Law Society.

THE REPORT WAS ADOPTED

A number of items of unfinished business remained when

CONVOCATION ROSE AT 5:00 P.M.

Read in Convocation and confirmed 20th February, 1976.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Friday, 6th February, 1976
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carthy, Cartwright, Cass, Chappell, Farquharson, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, W. G. Gray, Humphrey, Mrs. Legge, Messrs. Linden, Lochead, O'Brien, Ogilvie, Seagram, Sheard, Shepherd, Slemin, Strauss, Mrs. Sutherland, Messrs. Wallace and Zahoruk.

DISCIPLINE COMMITTEE—Mr. Lochead
Re: AKICH OKOLA, Toronto

The solicitor did not attend nor was he represented by counsel. The Society was represented by Mr. S. E. Traviss.

It was moved, seconded and *carried* that Convocation proceed in the absence of the solicitor.

The Secretary read the Decision of the Discipline Committee dated 23rd January, 1976, wherein the solicitor was found guilty of professional misconduct in that he had misappropriated approximately $13,000, sworn false affidavits and been party to the execution and registration of spurious mortgage documents.

It was moved, seconded and *carried* that the Decision of the Discipline Committee be accepted.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Cooper

Mr. S. E. Fennell presented the Report of the Professional Conduct Committee of its meeting on 8th January, 1976.

The following members were present: Messrs. Cooper (Chairman), Kellock (Vice-Chairman), Brulé, Carnwath, Carrier, Cass, Chappell, Farquharson, Fennell, Furlong, Henderson, Mrs. Legge, Messrs. Lochead, Ogilvie, Seagram, Strauss, Mesdames Sutherland and Tait, and Messrs. Tobias and Wallace.

STUDENT MEMBERS

It has been drawn to the Committee's attention that the 1976 call to the Bar is later than it has been in the past. Some students have enquired as to what steps they can take between the completion of the course and the actual call to the Bar. The Committee was of the opinion that there was no objection to the students leasing office space, buying office furniture, having letterhead and professional cards printed before the call to the Bar provided that they do not practise law nor hold themselves out to the public that they are qualified to practise law. With respect to placing their names in the telephone book, the Committee, keeping in mind Section 50(1) of the Law Society Act which reads as follows:

> "50(1) Except where otherwise provided by law, no person, other than a member whose rights and privileges are not suspended, shall act as a barrister or solicitor or hold himself out as or represent himself to be a barrister or solicitor or practise as a barrister or solicitor."

were of the opinion that students could not place their name in the telephone book prior to the actual call to the Bar.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on 8th January, 1976.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Salhany, Strauss, Mrs. Tait, Mr. Wallace, and Miss McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations to the Great Library have been received:

His Honour Chief Judge William E. C. Colter, County and District Courts: A total of 44 volumes in excellent condition consisting for the most part of the Statutes of Canada.

Frank A. Fraser, Barrister, Niagara Falls, Ontario: 130 volumes of old encyclopaedias and digests, including the Digest of Ontario Case Law, The Digest of Canadian Case

Law to 1927; Maw's Digest of English Case Law and sundry English Law Reports Digests.

MIDDLESEX LAW ASSOCIATION

The request by this Association with respect to a special grant in the amount of $3,500.00, which had been considered earlier by the Sub-Committee on Grants, was *approved.*

REPORTING

SUMMARIES OF REASONS FOR JUDGMENT — HIGH COURT

Mr. Justice Cory wrote to the Treasurer informing him about the "yellow" sheets which are now in existence and which summarize Judgments of the High Court of Justice in Ontario. These sheets are analogous to the "blue" sheets presently published in the Ontario Reports. Copies of the "yellow" sheets were made available to the Committee. There was discussion as to obtaining a set of these sheets for the Great Library and consideration was given to the question of the feasibility of having these sheets published as part of the Ontario Reports.

There was a motion passed that if the "yellow" sheets could be obtained at minimum cost, this should be done and that they should be housed in the Library for reference purposes. There was also a motion passed that a Sub-Committee be appointed by the Chairman to consider the feasibility of having the "yellow" sheets published as part of the Ontario Reports.

CANADIAN LAW INFORMATION COUNCIL

Last year the Canadian Law Information Council requested the Society's permission to use the Ontario Reports on microfiche as part of an initial microfilm library and to produce the Ontario Reports on microfiche and sell complete sets at cost. In addition the Council requested permission to reproduce the Ontario Reports (including the years 1940-1973 inclusive, which are presently at Queen's University) in machine-readable form to be incorporated into a national retrieval system. The Council's submission was made by the Chairman, Mr. Gordon Henderson, and the General Manager, Mr. Peter Vivian. There was discussion of the matter by the Committee at its September meeting and it was decided that a legal opinion should be obtained. J. F. Howard, Q.C., of Toronto has rendered an opinion to the Society concerning the Society's rights to transfer or assign its rights.

The Committee approved in principle the project put forward by the Canadian Law Information Council subject, of course, to Convocation granting its approval. The Committee believes that Convocation should be made aware of the legal problems involved.

ONTARIO REPORTS

The Committee reported to the October 1975 Convocation that a solicitor had written to the editor of the Ontario Reports concerning the delay in publication of Reasons for Judgment. This led to discussion in Convocation as to delay not merely with respect to reporting of decisions but also to reporting of the procedures in Convocation. The editor of the reports explained that it was really a matter of money and the only way the problem could be remedied would be to have an extra volume of the Ontario Reports published. At the present time there are slightly under four volumes published annually. An estimate was obtained from Mr. Alan Marks at Canada Law Book as to the cost of an extra volume.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Mr. S. E. Fennell, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on 8th January, 1976.

The following members were present: Messrs. Fennell (Chairman), Carnwath, Cass, Furlong, Mrs. Legge, Messrs. Ogilvie, Strauss, Tobias and White.

The Committee considerd the Oral Reasons for Judgment of the Divisional Court concerning D.A.S. Holdings Limited, a divorce agency. The Society was subsequently served with a Notice of Appeal to the Court of Appeal in this matter and the Secretary was instructed to request counsel to respond to same on the Society's behalf.

The Committee considered the opinions of counsel retained concerning the possible prosecution of two notaries public. The Secretary was instructed to advise counsel to proceed with the said prosecutions.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. Terence Sheard, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 8th January, 1976.

The following members were present: Messrs. Sheard (Chairman), Cass and Pepper.

APPLICATIONS

The Committee considered four applications for grants. One application was directed to stand pending receipt of further information. The Committee approved two applications and recommended that one be denied.

STUDENT APPLICATIONS

Applications for grants from four students were before the Committee together with a memorandum from the Assistant Director for the Bar Admission Course recommending that one grant in the amount of $150 be made. After due consideration, the Committee approved the Assistant Director's recommendation.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON PROCEDURES UNDER SECTION 35 OF THE LAW SOCIETY ACT

Mr. Ian Cartwright, Chairman, presented the Report of the Special Committee on Procedures under Section 35 of The Law Society Act which had been tabled at Convocation on 16th January, 1976.

Convocation gave careful consideration to the Report and on motions duly moved, seconded and carried, two amendments were incorporated. The Report as amended is as follows:

1. The Committee met on August 20th, 1975, to consider the research material provided the Committee by the Society's Chief Librarian.
2. This Committee was constituted to determine two issues:
    - (i) to determine whether enquiries under Section 35 should be conducted by a Special Committee appointed from time to time by Convocation for each specific complaint, or by the Admissions Committee, or by the Discipline Committee; and
    - (ii) whether Section 35 should be amended to provide that a member of the Society suspected of being

> mentally incompetent or mentally ill should be required at the instance of the Secretary, with the alternative of suspension by Convocation should he fail to do so, to submit himself to a medical examination or examinations necessary to determine his mental and physical capacity to practice law.

3. The Committee reviewed the position taken previously by the Admissions Committee disclaiming responsibility in this area which was taken in its report to Convocation on November 16, 1973. On the other hand the Committee felt that to bring the determination of matters under Section 35 within the jurisdiction of the Discipline Committee as such would impose an unfair assumption upon the member whose conduct is called into question under this section. Accordingly, by way of compromise the Committee recommends that the Treasurer appoint Convocation as a Committee of the Whole to conduct enquiries under Section 35. Thereafter the practices and procedures of the Discipline Committee may be applied *mutatis mutandis* so that while notice of the enquiry will go to every member of Convocation, who of course will be eligible to sit on the enquiry, in fact the matter will be dealt with in the same fashion as a regular panel of the Discipline Committee reporting directly to Convocation as to the results of its enquiry. Such procedures should easily standardize this type of enquiry and will ensure proper safeguard of the members' rights.

4. The Committee reviewed the Bar Act, S.Q. 1966/67, c. 77, and the Health Disciplines Act, S.O. 1974, c. 47, two professional Acts containing provisions requiring a member of a profession to submit himself to a mental or physical examination at the instance of the governing body. The Committee after reviewing this legislation and at least one encounter that a panel of the Discipline Committee had with this problem over the last twelve months, has come to the conclusion that a new Section 35A should be added to the Law Society Act to provide that a Committee of Convocation sitting pursuant to Section 35 may require a member to submit to a physical and/or mental examination or examinations by such qualified person or persons as the Committee designates and if the member refuses or fails to submit to such examination or examinations Convocation may by order limit or suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances.

5. The Committee noted the provisions of Section 38(3) of the Health Disciplines Act, S.O. 1974, c. 47, which reads:

> "(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical or mental examinations by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his licence be suspended until he complies."

and on October 17 reported to Convocation.

6. In its Report the Committee recommended that such inquiries be conducted by a special Committee of Convocation and that a new Section 35A of The Law Society Act be enacted to provide for medical examination. Convocation being concerned that the amending legislation should:

(i) incorporate the first part of Section 38(3) of the Health Disciplines Act;
(ii) provide a safeguard requiring the Committee to have reasonable grounds before ordering an examination; and
(iii) enable Convocation to terminate, continue, or continue on varied terms the order of the Committee

referred the Report back to the Committee.

7. The Committee further met on January 8, 1976, and redrafted the proposed new Section 35A and reviewed the language in Section 33 alluding to "disciplinary" action under *inter alia* Section 35, and drafted a proposed amendment to Section 33(1) to delete the word "disciplinary".

8. The Committee recommends:

(1) that the inquiry of a member under Section 35 be conducted by a special Committee of Convocation as a whole applying where possible *mutatis mutandis* the procedures of an inquiry by the Discipline Committee;

(2) that a new section 35A reading:

"35A.(1) A Committee of Convocation investigating a complaint made under Section 35 may make such inquiries as it considers appropriate and may require a member to submit to physical and/or mental examination or examinations by such qualified person or persons as the Committee may designate. If the member refuses or fails to submit to such examination or examinations, the Committee may by order limit or suspend his rights and privileges as a member, which order shall be effective forthwith but shall continue in effect only until the next regular or special Convocation when such order shall lapse

> unless then continued, with or without variations, by Convocation on such conditions and for such time as Convocation may decide.
>
> (2) A copy of any report received by the Committee pursuant to Subsection 1 shall be forthwith supplied to the member.",

be, subject to review by the Legislation and Rules Committee, enacted as an amendment to The Law Society Act; and

(3) that Section 33(1) of The Law Society Act which reads:

> "33.-(1) No disciplinary action under section 34, 35, 37 or 38 shall be taken unless,
>
> (a) a complaint under oath has been filed in the office of the Secretary and a copy thereof has been served on the person whose conduct is being investigated;
>
> (b) the person whose conduct is being investigated has been served with a notice of the time and place of hearing; and
>
> (c) a committee of Convocation has heard evidence of or on behalf of the complainant, and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence and any evidence on his behalf and has reached the decision that he is guilty."

be, subject to review by the Legislation and Rules Committee, amended to delete the word "disciplinary" to read:

> "33.-(1) No action under section 34, 35, 37 or 38 shall be taken unless,
>
> (a) a complaint under oath has been filed in the office of the Secretary and a copy thereof has been served on the person whose conduct is being investigated;
>
> (b) the person whose conduct is being investigated has been served with a notice of the time and place of hearing; and
>
> (c) a committee of Convocation has heard evidence of or on behalf of the complainant, and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence and any evidence on his behalf and has reached the decision that he is guilty."

THE REPORT AS AMENDED WAS ADOPTED

SPECIAL COMMITTEE ON TARIFFS

Mr. G. E. Wallace, Chairman, presented the Report of the Special Committee on Tariffs dated 16th January, 1976.

The Committee was composed of Messrs. Wallace (Chairman), Carley, Carrier, Evans, Henderson, together with the Presidents (or their representatives) of the County and District Law Associations of York, Carleton and Sudbury.

The Committee's terms of reference were: "To consider and make recommendations respecting a tariff or tariffs covering noncontentious legal services not already covered by tariffs prescribed under existing statutes, to serve as a guide to the public and the profession and to explore if necessary, means of obtaining provincial legislative support for such tariffs."

The Committee met on February 27th, 1975 under the Chairmanship of its original Chairman, Mr. R. H. Carley. The Committee reviewed the terms of reference, the report of the Special Committee to consider proposed amendments to the Combines Investigation Act made by its Chairman, Mr. G. F. Henderson, dated the 9th day of May, 1974, the status of the proposed legislation, and the alternatives that were now available to the profession in the matter of tariffs.

The then Chairman reported to the meeting that his investigation revealed that there would be some resistance within the Rules Committee itself to any approach to meet the problem by application to that Committee to establish a tariff for noncontentious legal services.

Mr. McLaughlin expressed the opinion that the York County Law Association would be opposed to any legislative approach and that that Association felt that its suggested fee schedule for solicitors, with the preamble approved by it, did not offend the provisions of the Combines Investigation Act.

Decisions given in reported cases in Virginia and Oregon were discussed dealing with somewhat similar circumstances.

In view of the difference of opinion among members of the Committee as to whether a suggested fee schedule for solicitors similar to that published by the County of York Law Association would offend under the amendments to the Combines Investigation Act the Committee asked for authority to secure the opinion of counsel upon the same and such request was approved and counsel's opinion secured.

The Committee met on September 12th to further discuss the matter. The provisions of Bill C-2 were considered. The submissions made to the Ministry of Consumer and Corporate

Affairs by the Special Committee of the Canadian Bar Association were reviewed in detail and it was noted that their representations had not resulted in any material change in Bill C-2 and no substantial debate occurred in Parliament or Committee in respect of the matters raised by the brief. The Bill has now, in fact, been passed by the House and is awaiting Senate approval.

The opinion of Mr. J. F. Howard was studied in detail.

In summary, Mr. Howard gives his opinion that "the promulgation of a suggested fee schedule which is acted on by the profession may well lead to an inference that an agreement or arrangement has been made contrary to the proposed legislation whether or not there is any evidence of direct coercive acts. On the other hand, a suggested fee schedule promulgated under the specific authority of provincial legislation should not, in my opinion, be a factor leading to a finding of an offence under the proposed legislation."

Mr. McLaughlin made available to the Committee for study an opinion obtained by the County of York Law Association which was considered by that Association in reaching its conclusion that with the preamble worded as at present their suggested fee schedule for solicitors would not offend the provisions of Bill C-2.

The opinion obtained by the County of York Law Association cites Section 32(1) of the proposed amendments to The Combines Investigation Act which makes it an offence to prevent, limit or lessen unduly the manufacture or production of a product, or to *enhance unreasonably* the price thereof, or to prevent or lessen *unduly* competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product. The opinion points out, firstly, that it is arguable that such a schedule of fees as published by the County of York Law Association does not "enhance" fees, and secondly, that if it does, it does not do so unreasonably. The opinion concedes that it is also arguable that the mere existence of a schedule of fees is evidence of an arrangement and that the inevitable effect of such an arrangement might be to lessen competition because of the natural tendency to adhere to the schedule or tariff. It concludes however that the answer to this argument must be that the lessening is not "undue" and a prosecution must fail.

The County of York Law Association's opinion also refers to Section 38 of the proposed Act which states that no person who is engaged in the business of producing or supplying a product shall directly or indirectly by agreement, threat, promise or any like means, attempt to influence upward or to discourage the reduction of, the price at which any other person engaged in business in Canada supplies or offers to supply or advertises a product within Canada. The writer of the Association's opinion did not feel that a suggested tariff, not accompanied by any element of coercion, whether explicit or implicit, constitutes "agreement, threat, promise or any like means".

It was apparent that there existed substantial difference of opinion as to what would or would not offend against the provisions of the new legislation.

The Committee was informed that two additional County Associations were, along with York, opposed to any further legislative action or to the creation of any tariff under Section 14 or 15 of The Solicitors Act by the Rules Committee. The view was expressed that the Rules Committee was not constituted properly to deal adequately with noncontentious matters.

The wide divergence of views held by such a substantial number of members of the Society, together with the possible resistance expected within the Rules Committee, caused the Committee to be of the opinion, that no action could be recommended directed towards seeking a tariff established by the Rules Committee. The Committee was also of the opinion even at that stage of the legislation that no effort could be recommended with any reasonable hope of success toward securing specific exemption under the legislation. In addition the Committee was of the opinion that nothing should be done to obtain legislative support for tariffs or fee schedules.

The Act has now been passed and the Committee has concluded and hereby recommends that the Society should make all County and District Law Associations aware of the problem created by the legislation and make the conflicting views expressed herein known and advise all Associations that minimum tariffs if such exist should be withdrawn and the use of the same immediately terminated and that the Associations be warned of the danger of entering into any agreement written or not that members will not reduce fees below the suggested schedule.

At the same time, it was considered that all Associations could be informed of the approach taken by York County and that Association's suggested fee schedule for solicitors with its preamble be placed before them. It was considered, however, that the Law Society itself should not indicate any approval or disapproval of the use thereof.

For emphasis it is noted that any suggested tariff must be truly "only suggested". The judgment in the case of *Regina vs. Armco Canada Limited*, 6 O.R. (2nd) p. 521, where "conscious parallelism" was held sufficient to infer agreement offending the provisions of the Act, should be referred to all Associations for study.

The Committee further recommends that Ruling 30 of the Rules of Professional Conduct be referred to the appropriate Committee for consideration as to amendment in view of the contents of this report. In this connection Mr. McLaughlin has requested that the County of York Law Association and any other interested Law Association be given an opportunity to make representations if they so desire.

THE REPORT WAS ADOPTED

REPORT ON THE ANNUAL MEETING OF THE LAW SOCIETY OF UPPER CANADA

The Treasurer presented the Report on the Annual Meeting of the Society which was held at Osgoode Hall on Monday, 15th December, 1975, using the recorded Minutes of the Annual Meeting as the basis of his Report.

THE REPORT WAS RECEIVED

APPOINTMENT OF SPECIAL COMMITTEE ON Q.C.'S

The Treasurer reported that he had appointed a Special Committee on Q.C.'s composed of the following: Mr. Shepherd as Chairman and Messrs. Cass, Chappell, Henderson, Humphrey, Ogilvie and Rogers.

COURT OF APPEAL COMMITTEE

It was moved, seconded and *carried* that the Treasurer be authorized to appoint a Special Committee to receive suggestions of Convocation and communicate with The Honourable Mr. Justice Kelly's Committee.

NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE IN CANADA—REPRESENTATIVE TO MEETING IN JAMAICA IN MARCH 1976

It was moved, seconded and *carried* that Mr. R. W. Cass be the Society's representative to the meeting of the National Council on the Administration of Justice in Canada, to be held in Jamaica in March 1976.

CONVOCATION ROSE AT 12:40 P.M.

Read in Convocation and confirmed 20th February, 1976.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 20th February, 1976
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Carthy, Cartwright, Cass, Chappell, Common, Cooper, Fennell, Finlayson, Furlong, R. J. S. Gray, W. G. Gray, Henderson, Kellock, Mrs. Legge, Messrs. Linden, Lochead, O'Brien, Ogilvie, Pallett, Pepper, Robins, Rogers, Salhany, Seagram, Sheard, Shepherd, Shibley, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace, White and Willoughby.

MINUTES

The Minutes of Convocation of 16th January, 1976 and of Special Convocation of 6th February, 1976 were read and confirmed.

APPOINTMENT TO SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE

The Treasurer announced that he had named Mrs. Legge to be a member of the Special Committee on Errors and Omissions Insurance.

APPOINTMENT OF COURT OF APPEAL COMMITTEE

The Treasurer advised that as authorized by Convocation on 6th February, 1976, he had appointed a Court of Appeal Committee comprised of Messrs. Bynoe and Pepper under the chairmanship of Mr. Henderson.

DISCIPLINE COMMITTEE—Mr. Lochead
Re: ROBERT KEI TANAKA, Hamilton

The solicitor was not in attendance; he was represented by counsel, Mr. Claude R. Thomson. The Society was represented by Mr. Charles C. Mark.

The reporter was sworn.

The Decision of the Discipline Committee dated 18th February, 1976, wherein the solicitor was found guilty of conduct unbecoming a barrister and solicitor in that he had forged documents relating to his service under articles as a student-at-law and used them to support his application for Call to the Bar.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

Counsel for the solicitor made submissions on his behalf and counsel for the Society made submissions.

Counsel and the reporter withdrew.

Convocation interrupted its consideration of the matter to deal with other business.

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented that part of the Report of the Admissions Committee of its meeting on 12th February, 1976, with respect to five applications for Call to the Bar as follows:

Call to the Bar and Certificate of Fitness

Transfer From Another Province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now apply for call to the Bar and to be granted a Certificate of Fitness:

Arthur Benedict Borgo-Gelli — Quebec
William Jeffrey Glen McCann — British Columbia
Charles Keith Taylor — Manitoba

Approved

Call to the Bar for Occasional Appearance

The Committee recommended that the following be allowed to proceed under the Admissions Committee's Regulation 10 concerning "Occasional Appearances in Ontario of Lawyers from other Provinces" and that upon giving the necessary undertakings they be called to the Bar and admitted as solicitors:

Jacques Bellemare — Province of Quebec
Melvin Fenson — Province of Manitoba

Approved

THAT PART OF THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Arthur Benedict Borgo-Gelli
William Jeffrey Glen McCann
Charles Keith Taylor
Jacques Bellemare
Melvin Fenson

DISCIPLINE COMMITTEE—Mr. Lochead

Re: ROBERT KEI TANAKA, Hamilton
(*Continued*)

Convocation resumed its consideration of the Decision of the Discipline Committee.

The motion that the Decision be accepted was *carried.*

Convocation then considered the recommendations of the Discipline Committee that heard the matter. The majority of the Committee were of the view that the solicitor's resignation tendered through his counsel should not be accepted and recommended that the solicitor be disbarred. One member took the view that the offences had occurred during a period in which the solicitor had suffered a form of mental illness and recommended that the solicitor be permitted to resign.

It was moved and seconded that Convocation by order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the solicitor be permitted to resign his membership in the Society.

Counsel and the reporter returned.

Counsel were advised that the Decision of the Discipline Committee had been accepted and of the motions respecting penalty before Convocation. Counsel for the solicitor made submissions. Counsel and the reporter withdrew.

The motion to disbar was *carried.*

MOTION — SOCIETY'S REPRESENTATION ON THE SENATE OF YORK UNIVERSITY

It was moved, seconded and *carried:*

That the Law Society waive the privilege of representation on the Senate of York University by two Benchers named by the Society;

And that the Law Society, having refrained from naming a representative following the resignation as Senator of one of its representatives, The Honourable Mr. Justice B. J. MacKinnon, request the Senate of York University to accept the resignation as Senator of its remaining representative, Mr. Stuart Thom;

And that the Law Society absolve York University from the obligation assumed by it in the Agreement made as of the 15th day of October, 1965, between the Law Society and the University to use its best efforts to cause two Benchers named by the Society to be appointed to the Senate of the University.

FINANCE COMMITTEE—Mr. Shepherd

Mr. A. E. Shepherd, Chairman, presented the Report of the Finance Committee of its meeting on 12th February, 1976.

The following members were present: Messrs. Pallett (Vice-Chairman), Fennell, W. G. Gray, Ogilvie, Pepper and R. F. Wilson.

Rolls and Records

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

John Francis Bennett, Q.C., London	Called—23 June 1955 Appointed Provincial Judge, County of Middlesex, Family Division—23 December 1975
Donald James Wallace, Q.C., Niagara Falls	Called—27 June 1957 Appointed Provincial Judge, Brant County and Niagara Region, Criminal Division — 17 December 1975
Peter Ronald Mitchell, Q.C., Hamilton	Called—13 April 1962 Appointed Provincial Judge, County of Wentworth, Criminal Division — 23 December 1975

Deaths

The following members have died:

Robert Kenneth Logan, Toronto (Life Member)	Called—19 May 1921 Deceased—6 January 1976
Nathan Phillips, Q.C., Toronto (Life Member)	Called—21 November 1913 Deceased—7 November 1976
John Darius Williams Cumberland, Q.C., Mississauga	Called—20 June 1935 Deceased—11 October 1975
William Joseph Arthur Fair, Q.C. Peterborough (Life Member)	Called—6 June 1923 Deceased—11 January 1976
Charles Lavign Furlong, Windsor	Called—15 November 1928 Deceased—10 January 1976

Disbarment

The following former members have been disbarred and struck off the rolls, and their names have been removed from the rolls and records of the Society:

Stephen Charles French, Q.C., Toronto	Called—29 June 1949 Disbarred—Convocation, 16th January 1976
Gerald Stanley Shea, Atherley	Called—25 May 1953 Disbarred—Convocation, 16th January 1976

Noted

MEMBERSIP UNDER RULE 50 — RETIRED MEMBERS

The following members who are sixty-five years of age or over, and who are fully retired from the practice of law and other employment, requested consideration of their applications to continue their membership in the Society at a reduced annual fee of $25:

Donald James Grant, London
Warren Fulton McCulloch, Ottawa
Charles Campbell McGibbon, Q.C., Oshawa
Stewart Gordon Robertson, Q.C., Belleville
William Alan Templeton Van Every, Q.C., Toronto
Roy Bradley Trott, Q.C., Kitchener

Approved

CHANGE OF NAME

Brigitte Lucie Violet Luedtke, a student member, requested that her name be changed on the Rolls and records of the Society to Brigitte *Schemmer,* her maiden name.

Peter Robert Newbury, a student member, requested that his name be changed on the Rolls and records of the Society to Robert *Geoffrey* Peter Newbury.

Carene Irene Carole Moise, a solicitor practising in Toronto, requested that her name be changed on the Rolls and records of the Society to Carene Irene Carole *Smith,* her maiden name.

Ute Wigley, a student member, requested that her name be changed on the Rolls and records of the Society to Ute *Wigley-Mueller,* thus including her maiden name.

Lynn Ruth Kipnis, a solicitor residing in Illinois, requested that her name be changed on the Rolls and records of the Society to Lynn Ruth *Hurley,* her married name.

Sydney Patricia Sinker, a student member, requested that her name be changed on the Rolls and records of the Society to Sydney Patricia *Pearson,* her maiden name.

Approved

REFUND OF FEES — BAR ADMISSION COURSE

Miss Jeanne D. Archibald was admitted to the Bar Admission Course for the Articling Term 1975/76. She subsequently withdrew and asked for a refund of her admission fee of $101. Approval was requested of a refund of her admission fee of $101 less an administration charge of $25 — $76.

Approved

ANNUAL FINANCIAL STATEMENT

At the request of this Committee the form of the Annual Financial Statement has been revised. The auditors have submitted the June 1975 statement in the revised format for the opinion of members of this Committee. If approved, the revised format will be used for the Annual Financial Statement as at June 30, 1976.

Approved

FINANCE POLICY

Convocation approved the following recommendation made by the Finance Committee on January 9, 1975:

"FINANCE POLICY

The Treasurer has requested a review of two aspects of finance policy. A report of the Finance Administrator is before the Committee. It recommends the following changes:

. . . . .

(b) That any surpluses generated by activity of the Department of Continuing Education should be retained as a reserve for future developments in that department rather than being used to alleviate deficits from other activities."

The Chairman of this Committee has requested that this policy be dropped and the normal practice restored.

Approved

STAFF CHANGES

Mr. *D. B. McCrimmon* has accepted a position as Assistant Secretary. The agreed starting date is April 1, 1976.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which have sent in their Annual Returns for 1975 and setting out the amounts of the grants to which they appear to be entitled under the Rules in 1975 and 1976. The Libraries and Reporting Committee will consider this memorandum at its meeting on 12th February, 1976.

Approved subject to the approval of the Libraries and Reporting Committee.

BUILDING EXTENSION AND RENOVATION

The report of the Sub-Committee on ways of financing the building extension and renovation was before the Committee.

Based on the provisions outlined in the Sub-Committee's report, the Committee recommended approval of the method of financing set forth in the Sub-Committee's report.

COMPUTER

Mr. Heeney has completed the preparation of drawings for providing electrical service and air conditioning for the Computer Room. The total involved, including fees, is $31,000.

Approximately 75% of this expenditure would have been incurred as part of the building extension and renovation. Because computer installation is scheduled for April, it is necessary to advance this phase of the construction work.

Approval was requested for this expenditure.

Approved

BARRISTERS' DINING ROOM

Mrs. Prince did not increase dining room prices in 1975 except to raise the charge for tea, coffee and milk from 20¢ to 25¢. She has now requested increases to cover rising labour and food costs. Two course meals currently in a range from $1.50 to $2.00 would increase to $1.65 to $2.25, i.e., increases of 15¢, 20¢ or 25¢. Corresponding increases would be made in à la carte items. Approval of the Committee was requested.

Approved

ANTI-INFLATION PROGRAMME

The Society is not bound by current anti-inflation legislation. However, the Committe was asked to confirm that the Society will stay within the guidelines as far as employee earnings are concerned. Employees of the Ontario Legal Aid Plan will be covered by the Ontario Government's agreement with the Federal Government concerning provincial employees.

Approved

TELEPHONES

It its necessary to increase the telephone switch room equipment by adding equipment which will provide an additional 20 extensions. The cost of this equipment is $633.00, which is a one-time installation charge. The present equipment provides for 80 extensions, of which 76 are in use. Since there is an eight to ten week delay involved in the installation of this equipment, approval was requested to place the order now.

Approved

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:40 P.M.

The Treasurer and Benchers entertained as their guests at luncheon The Honourable Mr. Justice Peter Cory, The Honourable Mr. Justice S. G. M. Grange and Miss Margaret P. Hyndman, Q.C. Miss Hyndman was presented by the Treasurer with a Certificate of Life Membership in the Society in recognition of the fiftieth anniversary of her Call to the Bar on 21st January, 1926.

CONVOCATION RESUMED AT 2:00 P.M.

LEGAL EDUCATION COMMITTEE—Mr. Finlayson

Mr. G. F. Henderson, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting on 12th February, 1976.

The following members were present: Mr. G. D. Finlayson, Chairman, and Messrs. Brulé, Carthy, Rogers, Salhany and Mrs. Tait. Messrs. Burnett and Collins-Williams also attended.

ELECTION OF SECOND VICE-CHAIRMAN

Mr. J. D. Ground was elected second Vice-Chairman of the Legal Education Committee.

FACULTY APPOINTMENTS (Toronto and Ottawa, as indicated)

It is recommended that the following appointments be made for the teaching term which commenced September 8th, 1975:

(a) *Law Office Organization and Procedure Section*:

To continue as Head of the Section, A. A. Strauss, Q.C.

Group Instructors (Osgoode Hall):

R. L. Butters, B. A. Campbell,
R. Y. W. Campbell, Irwin Cooper,
P. M. Feldman, K. N. Karp,
S. Lavine, Julian Romanko,
D. R. Vine, J. J. Wardlaw,
M. W. Zwicker.

Group Instructors (Ottawa):

R. A. Barrette, R. C. McLaughlin,
Mrs. Judith M. Oyen, Q.C., Robert Paris.

Stand-by Instructors (Ottawa):

Harold McNeely, P. H. Watson.

(b) *Creditors' Rights and Bankruptcy Section*:

To continue as Head of the Section, John D. Honsberger, Q.C.

Group Instructors (Osgoode Hall):

M. Armel, F. Bennett,
D. J. Brown, L. S. Crackower,
G. J. Cooper, I. D. Cochrane, Q.C.
T. Dolan, Ian Ferguson,

G. S. Gringorten,
R. Howell,
J. S. Herron,
A. O. Jacques,
Leo Klug,
R. G. Marantz,
W. J. Meyer,
S. Naftolin,
M. D. O'Reilly,
M. Shafir,
R. D. Walker.

Group Instructors (Ottawa):
William Burrows,
Russell Kronick,
P. D. Rasmussen,
T. D. Ray,
J. I. Tavel.

Stand-by Instructors (Osgoode Hall):
D. R. Arthurs,
T. E. Brooks,
G. Gold,
M. Steidman,
W. G. J. Swybrous.

Stand-by Instructors (Ottawa):
Frederick Cogan,
W. J. Simpson.

(c) *Criminal Procedure Section*:

To continue as Head of the Section, Robert J. Carter, Q.C.

Group Instructors (Osgoode Hall):
A. G. Campbell,
J. D. Crane, Q.C.,
F. X. Fay,
E. L. Greenspan,
D. R. H. Heather,
G. P. Johnstone,
G. R. Kluwak,
G. S. Lapkin,
Morris Manning,
R. M. McLeod,
H. Morton,
W. J. Parker,
C. M. Power, Q.C.,
R. E. Salhany, Q.C.
E. L. Schofield,
M. H. Siegel,
R. G. Thomas,
Ed Then,
J. D. Watt.

Group Instructors (Ottawa):
John Cassells,
J. A. Cogan,
William Green,
Patrick McCann,
L. M. Shore,
A. C. Whealy, Q.C.

Stand-by Instructors (Osgoode Hall):
Clive Bynoe, Q.C.
M. A. Wadsworth.

Stand-by Instructors (Ottawa):
Jeffrey Barnabe,
Donald Bayne,
Colin McKinnon,
Jack Nadell.

Approved

DINNER FOR HEADS OF SECTIONS

It is proposed to hold a meeting of Heads of Sections on March 11th, 1976 and it is respectfully suggested that, following the meeting, the Law Society entertain the Heads of Sections at dinner.

Approved

BAR ADMISSION COURSE SEMINAR INSTRUCTION — PROPOSAL FOR TWO-TIERED INSTRUCTIONS

A proposal to have different levels of instruction in a seminar group in the Bar Admission Course has been made by some members of the Bar Admission Course Advisory Committee and has been discussed at some length at Advisory Committee meetings. The position of those who support this proposal is that students who have had extensive experience in certain areas of practice during their articling experience and/or students who propose to limit their practice of law to known areas ought to be offered a more advanced level of instruction in the Bar Admission Course seminar groups than their colleagues who lack both the experience and the interest in the areas of law in question and are studying in those areas at a basic level. Examples cited by the proponents of different levels of instruction in seminars have been in the fields of Taxation and Estate Planning, where the argument has been made that it is not acceptable to have students with extensive experience who are oriented toward a special interest in these fields of practice taught at the common basic level at which it is necessary to teach the greater number of students who are wanting in special experience and competence in such areas.

In the result the following recommendation was adopted by vote of the Bar Admission Course Advisory Committee at its meeting on January 13th, 1976, namely, that the committee recommends that in the 1976-77 teaching term, the students be given an option of taking a higher level of instruction in select seminar groups in the Income Tax, Corporate and Commercial and Estate Planning Sections of the Bar Admission Course on the terms that a student wishing to take a higher level of instruction must exercise his or her option to do so at or before the commencement of the teaching term and that the decision to take or not to take the higher level instruction once made is irrevocable and that the offering of such advanced instruction in each of the said three sections is conditional upon the agreement and concurrence of the Head of Section.

Approved

BAR ADMISSION COURSE PRIZES — PROPOSAL FOR ABOLITION

A proposal has been made in the Bar Admission Course Advisory Committee to abolish all prizes in the Bar Admission Course. At the meeting of the Advisory Committee on December 9th, 1975, a motion was carried by a vote of five to four that the Bar Admission Course Advisory Committee recommended that in principle the awarding of prizes be abolished in the Bar Admission Course.

At the meeting of the Advisory Committee held on January 13th, 1976, a particular objection was raised by one of the members of the committee with respect to the Lady Reading Club Prize on the ground that the awarding of this prize is discriminatory inasmuch as it is required to be awarded to the female student obtaining the highest academic standing in the course. The Advisory Committee was advised that in an informal poll of 100 students regarding this prize, 92 voted that it should be abolished. It was further reported to the Advisory Committee that in a survey among the students on the question of the retention or abolition of prizes, out of 100 students polled, 56 voted to keep prizes, 36 voted to abolish prizes, and 8 were neutral.

The prizes awarded in the Bar Admission Course are listed on the calendar. In some cases, the prize is awarded out of the income of a capital sum held by the Law Society or by trustees for the Society. In other cases there is no capital base for the prize in the hands of the Society or out of which the Society is beneficially entitled, and the Society receives a payment annually from a donor to award the prize. Mr. James J. Carthy, Q.C., Chairman of the Bar Admission Course Advisory Committee and a member of this Committee, reported to the Advisory Committee on a report received from the Secretary respecting those prizes which have been created by way of a trust and with respect to which future dealings or changes could only be undertaken having regard to the terms of the trusts.

The Director does not support the recommendation of the Bar Admission Course Advisory Committee to abolish prizes and recommends against the adoption of that recommendation. The proponents for abolition argue that the awarding of prizes is meaningless in an examination system which results only in a pass/fail standing for the candidates and on the results of which the students are not graded for standing relative to one another and on which no honours standing is awarded or can be claimed. The argument is made that the Bar Admission Course is examining at the level of minimum competence and that under such a system it is meaningless to award prizes for excellence. It is the Director's view that these arguments are not valid reasons for abolishing prizes. If it can be said, which it is not admitted, that we are examining at the level of minimum competence, this must mean that the prime role of the examinations is to determine who is and who is not competent to be admitted to the practice of law. The Bar Admission Course is teaching at a level of high competence and excellence in the practice of law and the fact is that there is a wide range of performance in the student body on the examinations offered and that some students do excel in those examinations. The fact that at this level of excellence the thin line between the prize-winner and a number of his or her colleagues may be somewhat arbitrary or even accidental is not new to the Bar Admission Course, but prevails in every grading system where prizes are awarded for peak performance. In the Director's view, the abolition of prizes would defeat the objectives of the Bar Admission Course training to lead to high competence and excellence in the practice of law and amount to an acknowledgement of concern only for the bottom level of minimum competence.

The Committee recommends that no action be taken except that the Secretary write to the Lady Reading Law Club to advise the Club of the question that has been raised respecting the prize it donates.

Bar Admission Course — Business Arising Out of the Annual Meeting

At the Annual Meeting of the members of the Law Society held on Monday, December 15th, 1975, a motion was made to replace the present teaching term of the Bar Admission Course with a system proposed by the Law Union of Ontario. This motion was tabled on assurance given that the Legal Education Committee would consider the matter without delay. This item is placed on the agenda for action on the direction of the Chairman.

The Committee recommends that a Sub-Committee of this Committee be appointed by the Chairman to review the present Bar Admission Course and make recommendations with respect to it and its relationship to legal education.

Publications — Canadian Communications Regulatory Manual

In May, 1973, the Law Society published the first edition of the manual entitled "Broadcasting and Cable Television Regulatory Manual", compiled and written by Mr. Peter S. Grant. This work was published in two volumes in soft cover cerlox binding and comprised a collection of statutes, regulations, codes and procedures relative to the broadcasting and cable industry. Since publication, the Law Society has sold 1,500 copies of the work.

Mr. Grant has now substantially made ready a second edition of the work consisting of the updated contents of the earlier publication with the addition of statutes, procedures and annotations of decisions relating to the regulation of the federal telecommunications carriers in Canada, and an annotated guide to CRTC hearings, decisions and policy statements, 1959-76.

The Law Society in its Department of Continuing Education has scheduled a Communications Law Today programme for June 2nd and June 3rd, 1976 to be offered at Osgoode Hall. This programme will be offered during the week of the annual convention of the Canadian Cable Television Association to be held at the Four Seasons Sheraton Hotel in Toronto, June 1-4, 1976. The second edition of the manual in question under the title "Canadian Communications Regulatory Manual" will not be essential material for the Law Society's programme, but would be most useful and helpful material to be offered for sale to members of the legal profession practising in communications law and to other persons attending the convention referred to. A study has therefore been made of the feasibility of publishing a proposed second edition of the manual and having it ready for sale by the time of the Law Society's programme and the convention. To this end, three bids for the printing of the work have been received.

It is proposed that the Law Society should be the publisher of the work and should contract for its printing by one of the named commercial printers and that the copyright in the work should be retained by the author, Mr. Peter S. Grant. A letter from Mr. Grant dated February 4th, 1976 addressed to the Director with its enclosure sets out a full history of the work and of the updating and expansion of the second edition and of the proposed use of this work in the Law Society's programme and covers particulars relative to the proposed printing and publishing of the work. A letter written by Mr. Grant to the Law Society under date of February 4th, 1976 sets out the terms of Mr. Grant's offer to the Law Society for the publication of the work by the Law Society and payment of royalties thereon to Mr. Grant.

It is recommended that the Law Society should undertake the publication of the second edition of the Canadian Communications Regulatory Manual and that the Society should contract with John Deyell Company for the printing of the work in the terms of its bid dated February 11th, 1976 and that the Society should accept the terms of Mr. Grant's proposal in writing under date of February 4th, 1976 for the publication of the work by the Society.

The Committee recommended the matter be referred to a sub-committee to make a recommendation directly to Convocation.

The following Report of the Sub-Committee is approved:

> Having examined the competitive quotes submitted, the sub-committee chosen to consider this publication recommends that the bid by John Deyell Company be accepted. It has been noted that it will be necessary to sell 550 copies of the book at the price of $70 in order to cover out-of-pocket printing costs. In light of sales totalling 1,650 of the first edition and author's agreement to forego royalties until printing expenses have been recovered, there is confidence that at the very least enough copies will be sold to cover printing costs.

OTTAWA BAR ADMISSION COURSE — PRIZES

At a meeting of an ad hoc Bar Admission Course Advisory Committee for Ottawa convened in Ottawa on February 9th, 1976, there was a general discussion regarding the issue of the retention or abolition of prizes in the Bar Admission Course. Each of the five students present reported that the majority of students in their respective seminar groups were in favour of abolition of prizes but that the feeling was not strong. A motion for the retention of prizes was made and seconded and carried by a vote of 8 to 3.

Noted

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. Pepper, Chairman, presented the remainder of the Report of the Admissions Committee of its meeting on 12th February, 1976.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. Cass, Finlayson, Sheard, White and Mrs. Sutherland.

ADMISSION OF STUDENTS-AT-LAW

A further 22 candidates, having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of 1st September, 1975. Twenty-one applied under Regulation 26(5) and one under the General Transfer Provisions.

Approved

DIRECT TRANSFER

The Committee considered an application from a member of the Bar of Manitoba for direct transfer to practise in Ontario. The applicant sought to proceed under Regulation 4(1) and had been granted permission to attend the 1975-76 teaching portion of the Bar Admission Course in lieu of writing the transfer examinations, subject to approval of his application. The Committee recommended that the application be granted.

PROPOSALS TO RECAST BARRISTER'S OATH

It had been suggested to the Committee that the Barrister's Oath be amended by deleting the word "man" or the word "man's" and substituting the word "one" or the word "one's" and that the last sentence of the Oath be amended to permit a candidate to "affirm" rather than "swear" the Oath.

The Committee recommended that no change be made in the Barrister's Oath.

It was moved, seconded and *carried* in Convocation that the Barrister's Oath be amended by replacing the words "man" and "man's" where they appear in the Oath by the words "one" or "one's".

THE REPORT AS AMENDED WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

GENERAL REPORT

Mr. G. H. Lochead, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on 12th February, 1976.

The following members were present: Messrs. Lochead (Chairman), Bynoe (Vice-Chairman), Finlayson, Furlong and Sutherland.

RULING 14 — BORROWING FROM CLIENTS AND INVESTING CLIENT'S MONEY

The Auditors' report which must be filed by members every 12 months contains the following statement:

> "7. I have observed strictly the provisions of Ruling 14 of the Professional Conduct Committee in connection with borrowing from clients."

The requirement that this information be disclosed has been in existence since October 31st, 1974. As these Reports are received, it has become increasingly obvious that there have been a number of infractions of this Ruling. As a result, Invitations to Attend before this Committee are being issued. A number of lawyers involved have indicated that they were not aware of the requirements of this Ruling. The Committee was of the opinion that the existence of this Ruling should be brought home to the profession together with the fact that the Committee is dealing with those infractions that have come to its attention. It was felt that a notice in the Ontario Reports would not be as effective as a paragraph in the Communiqué.

The Committee therefore recommended that Convocation give consideration to the inclusion in the Communiqué of a reference to this situation together with contacting the presidents of the local County and District Law Associations with a request that they bring the matter to the attention of their memberships.

DISCIPLINE PROCEDURES

In its February 1975 Report to Convocation the Committee recommended the adoption of the Report of the Sub-Committee on Discipline Procedures. Convocation concurred with this request, the matter being referred to the Legislation and Rules Committee for drafting the appropriate amendments. In the course of that Committee's work, it was noted that there was no reference to penalty. This fact was drawn to the attention of the Chairman of this Committee who requested the Legislation and Rules Committee to include references to penalty when Section 13 was being re-drafted. Set out below is the result of the Legislation and Rules Committee's deliberations. The Committee recommended that Convocation give its approval to Section 13 and Form 2 in their re-drafted form without further reference to the Legislation and Rules Committee.

PROPOSED AMENDMENTS TO SECTION 13 OF THE REGULATION WITH RESPECT TO DISCIPLINE PROCEDURES

13.-(6) Upon the hearing of a complaint, the Committee shall determine all facts relevant to the complaint and shall decide whether or not the complaint has been established in whole or in part. The decision of the Committee, if not unanimous, shall be the decision of a majority of the Committee. Where a complaint has been established in whole or in part to the satisfaction of the Committee, it shall make specific findings as to fact and may make specific findings as to the credibility of any witness.

(7) Where at the conclusion of the hearing of a complaint the Committee decides that such complaint has been established in whole or in part and does not by order administer a reprimand, the Committee shall forward to Convocation its decision in writing referred to in subsection 12 of section 33 of the Act, including all specific findings of fact and credibility referred to in subsection 6 of this section, and any recommendation as to the penalty the Committee considers appropriate for Convocation to impose. The decision of the Committee and any recommendation as to penalty shall each be signed by the member of the Committee who presided at the hearing or by another member of the Committee who was present at the hearing.

(8) The Secretary shall serve upon the member not less than twenty-four clear days before the date of the Convocation which is to consider the decision, a copy of the decision and any recommendation as to penalty, together with a notice in Form 2.

(9) In considering the decision of the Committee Convocation

(a) shall not review the findings of fact and credibility made by the Committee; and

(b) shall permit arguments only on matters of jurisdiction and points of law.

(10) Where the member intends to present argument to Convocation on matters of jurisdiction or points of law he shall file with the Secretary, not less than fourteen clear days before the date of the hearing by Convocation to consider the decision of the Committee, a memorandum setting forth the points intended to be argued by him with submissions with respect to these points.

(11) Where the member has filed a memorandum as required under subsection 10 the Society shall cause a memor-

andum in reply to be filed and served on the member at least seven days before the date of the hearing.

(12) Except by leave of Convocation only the points set out in the memoranda filed under subsections 10 and 11 shall be argued before Convocation.

(13) If the member intends to refer Convocation to evidence given at the hearing before the Committee he shall file with his memorandum a notice of such intention and within ten days after the transcript of such evidence is ready he shall file a copy thereof with the Secretary.

(14) Where the member has been found guilty of professional misconduct or of conduct unbecoming a barrister and solicitor, Convocation shall permit submissions on behalf of the member and the Society in respect of the matter of penalty.

. . . . .

FORM 2

Section 13(8) of the Regulation

NOTICE

IN THE MATTER OF THE LAW SOCIETY ACT,
R.S.O. 1970, C. 238
AND IN THE MATTER OF

To:

Take notice that Convocation will on .... day, the .... day of .... 19...., commencing at the hour of .... o'clock in the .... noon at Osgoode Hall in the City of Toronto consider the attached decision of the Discipline Committee and recommendation as to penalty.

And further take notice that subsections 9, 10, 11, 12, 13 and 14 of section 13 of the Regulation under The Law Society Act provide as follows:

Here are incorporated subsections 9 to 14 inclusive of Section 13 of the Regulation as amended.

Dated at Toronto this .... day of .... 19....

The Secretary

. . . . .

Convocation gave careful consideration to the proposed amendments to Section 13 of the Regulation with respect to Discipline Procedures and on motion effected amendments in wording. These amendments have been incorporated in the foregoing.

THE REPORT AS AMENDED WAS ADOPTED

Compensation Fund Summary

Mr. Lochead presented the Summary of the Compensation Fund for the period ended 31st January, 1976.

Compensation Fund

For the Period 1st July, 1975 to 31st January, 1976
(7 months)

Total Receipts	$ 207,912.63
Total Disbursements	128,788.88
Excess of Receipts Over Disbursements	$ 79,123.75
Balance of Fund 1st July 1975	1,414,187.62
Balance of Fund 31st January 1976	$1,493,311.37

Resume of Gross Claims Outstanding

Claims Received and in the course of being processed as of 31st January 1976	$2,400,100.39
Total Paid to 31st January 1976 from the commencement of the Fund on account of 932 claims of 98 former solicitors	$3,487,433.92

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 11th February, 1976.

The following members were present: John D. Bowlby, Chairman, and Messrs. Baker, Barnes, Chadwick, Cooper, Fairbairn, Ferrier, Mrs. Fleming, Messrs. Gilchrist, Harris, Jones, Father Lacelle, Messrs. Lamb, Leitch, Lewis, Linden, Shaffer and Mrs. Smyth.

James C. M. Gothard, Solicitor, Area Director, Waterloo County, was also in attendance by special invitation.

Report of the Deputy Director

(a) *Finance*

For the nine month period ended December 31, 1975, the Plan expended $4,554,000 in excess of budget. Predictably, the rate of expenditure slowed during the month of December so that for that month the deficit totalled $141,000, compared with an average over-expenditure of $552,000 over the first eight months of this fiscal year.

The accumulated excess expenditure is analyzed as follows:

Fees and Disbursements	$	$
Duty Counsel	105,000	
Criminal	2,595,000	
Civil	1,742,000	
Legal Advice	18,000	4,460,000
Area Office Costs		199,000
Administrative Costs		(3,000)
Parkdale Community Legal Services		160,000
Windsor and Western Law School Clinics		33,000
		$4,849,000
Deduct: Income received in excess of budget:		
Client contributions and costs recovered	242,000	
Miscellaneous income	53,000	295,000
		$4,554,000

The following points should be noted:

1. During the month of December, the Treasurer of Ontario made the final payment of the Government's original appropriation for this fiscal year. However, payments from the Legal Aid Fund were maintained by virtue of the receipt of the sum of $542,500 from the Law Foundation.
2. The accumulated miscellaneous income total of $53,000 includes $14,000 of postal strike revenue, which the Fund received in connection with the operation of the Law Society's postal delivery system. Of this total Legal Aid retained $4,400 to meet its expense in this connection and the remaining $9,600 was remitted to the Law Society in January, 1976.

(b) *Statistics*

For the nine month period ending December 31, 1975, a total of 149,477 persons were reported as seeking assistance at area offices. This is an increase of 36,095 or 32% when compared with the first nine months of last fiscal year. The total increase is broken down as between 23,029 informal applications (an increase of 49%) and 13,066 formal applications for Legal Aid (an increase of 20%).

Certificate issued totalled 64,080 an increase of 11,857 or 23%. Criminal certificates increased by 7,165 or 25% and civil certificates issued increased by 4,692 or 19%.

Persons assisted by Duty Counsel totalled 110,679. This represents an increase of 20,696 or 23% over last year's figures. Again, the increase is broken down as between criminal 13,079 (an increase of 19%) and civil 7,617 (an increase of 35%).

(c) *Write-offs*

George E. Wallace, Vice-Chairman, has approved the writing-off, of the following total of amounts due to the Legal Aid Fund:

	No. of Accounts	Total Value	Reason for Writing-Off
Contributions	21	$1,978.93	Neither the Provincial Office, the Area Director nor the Collection Agent can locate the clients.

(d) *Data Processing*

The Committee approved of a new data processing service contract to be entered into with International Business Machines Ltd. To ensure equipment delivery and leave time in which to change processing techniques, this contract should be approved by Convocation at its February meeting and signed by the end of the month.

(1) International Business Machines Ltd. is changing its procedures, leaving the Legal Aid Plan with the following alternatives:

  (a) To continue to process as it does now but at an increased cost;

  (b) To accept processing responsibility at a considerably reduced cost.

  The adoption of alternative (b), which is recommended, requires that the Plan rent slightly more sophisticated equipment at an additional monthly cost of approximately $150.

(2) The Plan's budget presentation for 1976/77 contains an estimate for I.B.M. equipment and processing costs totalling $6,750 per month. By assuming processing responsibility, the estimated monthly cost will drop to

approximately $4,800 resulting in an estimated saving in a full year of $21,000.

(3) The Plan will gain the additional advantage of having more flexibility in programming changes and, with faster equipment, will have the opportunity of printing more of its reports in-house, resulting in further savings in both time and cost.

Report of the Legal Accounts Officer

(a) *Activity*

	Nov.	Dec.	Jan.
Accounts on hand at beginning of the month	4487	4160	5641
Accounts received during month	4971	5355	5350
Total Accounts to be processed	9458	9515	10991
Less A.O. Files cancelled during month	18	27	26
Less Accounts processed during month	5094	3847	5835
Balance on hand at month end	4346	5641	5130

The above figures do not reflect accounts for Interim Disbursements and Supplementary Payments.

(b) *Reviews and Appeals*

	Nov.	Dec.	Jan.
Reviews			
Reviews on hand	82	80	72
Reviews received in	48	77	115
	130	157	185
Settlements reviewed	29	55	52
Settlements awaiting review	66	69	51
Settlements awaiting further information	35	33	54
	130	157	157
Appeals			
Appeals to Taxing Master received during January	—	—	1
Appeals heard by Taxing Master	2	1	1
Appeals pending at the end of the month	7	5	3
Appeals abandoned	—	1	3

Appointment of Area Director — Waterloo County

E. F. West, Area Director for Waterloo County, was sworn in as a County Court Judge for Peel County in December, 1975. The County Law Association and the Area Committee made recommendations for a replacement. It is recommended that J. M. C. Gothard, Solicitor, Kitchener, be appointed Area Director. Mr. Gothard has been Acting Area Director for the County of Waterloo since Mr. West's appointment to the Bench.

The Committee approved the appointment.

Legal Aid Clinics — Legal Assistance of Windsor

The following is a report submitted to the Committee by Shane Watson, acting salaried solicitor of the Windsor Legal Aid Clinic:

I. Statistical Summary

Total number of clients served as recorded on Duty Counsel Information Sheets, September 3rd, 1975, to January 31st, 1976:

Total dispositions reviewed	925	
Total referrals to Legal Assistance of Windsor	608	(65.72%)
Total referrals to Duty Counsel	227	(24.54%)
of which Duty Counsel rendered the following services:		
Advice only	129	(52%)
Legal aid applications	52	(21%)
Summary advice and assistance	42	(13%)
Total requiring further assistance of Duty Counsel		(34%)
Legal Aid applications taken by students under supervision of Clinic Administrative Officer	90	
Total of all clients given further assistance by Legal Aid either through Duty Counsel or Legal Aid application	317	(34.27%)

These figures do not indicate telephone contacts or summary drop-in advice where it was suggested that the client see a member of the private bar having regard for his financial eligibility.

II. Clinic Officer's Report

1. *Duty Counsel Panel*

The Panel consists of 42 lawyers and at this stage all members have been called to attend at the Clinic. A report on the progress of the experiment at Legal Assistance of Windsor and the request for suggestions will soon be sent to each member of the Panel.

At this time, there have been no serious complaints either from the clients or from the Clinic Administrative Officer regarding members of the Panel. Members have been told to treat the Clinic as theirs and are welcome to use its library resources and to discuss cases with students. Many Panel members have taken advantage of these opportunities.

2. *Advertising Plan*

Legal Assistance of Windsor have requested certain sums for advertising and, accordingly, from those sums an announcement was placed in local newspapers. In addition, the Clinic Officer appeared on all local radio and television stations to explain the new programme.

The results of the advertising plan will be conveyed to the Legal Aid Committee at a practicable time.

3. *Legal Aid — Social Services Liaison Programme*

In early January, a letter of introduction from the Staff Social Worker and materials prepared by the Clinic Officer were distributed to 109 social service agencies in Essex County. The materials consisted of a history of the Plan and its current administrative structure as well as offering referral services for those agency clients that require legal aid. The response so far has been very favourable.

4. *The Zalev Committee*

The Zalev Committee is the Community Board designed to assist the Clinic Director with relations between the Clinic and the local community. The Chairman is His Honour Judge Carl Zalev, Senior Judge of the County Court. There are members representing the University of Windsor, the Essex County Law Association, Social Service Agencies and the Ontario Legal Aid Plan.

MINISTRY OF COMMUNITY & SOCIAL SERVICES
FINANCIAL INTERVIEWS
YORK COUNTY PILOT PROJECT

At its October 1975 meeting the Committee approved a pilot project in Ottawa-Carleton, wherein an applicant for legal aid is not subjected to a separate financial interview in most cases. A form has been designed wherein the applicant gives all necessary information on legal aid financial background to the interviewer in the Area Director's office. The single form is then reviewed not only by the Area Director as to legal eligibility but also by a field officer of the Ministry of Community & Social Services as to financial eligibility. From the single form is then determined whether a certificate should, in fact, issue. This relieves the applicant of having to be subjected to two interviews at different times and thereby promotes the expeditious issuance of a legal aid certificate.

In November, 1975, the Committee approved a similar pilot project for the York County office on a three-month basis. W. R. Donkin, Area Director, York County, reported that the experiment is going very well. However, he stated that it would not be possible to evaluate the results of the experiment by the end of February, 1976, and requested permission from the Legal Aid Committee for an extension of this pilot project for a further three-month period at which time a full report would be submitted.

In view of Mr. Donkin's report the Committee approved the extension of the said pilot project to May, 1976.

PROVINCIAL DIRECTORS' MEETING

On January 28th and 29th, 1976, a meeting of Provincial Directors was held in Montreal.

A non-resident civil legal aid application form to be used by all Provinces was approved. The form will be of great assistance in expediting the necessary aid required by the applicant. Several sub-committees were formed. One such sub-committee was appointed to deal with problems which may arise with respect to the reciprocity agreement. The sub-committee to consist of representatives from Ontario, New Brunswick and Alberta.

The second sub-committee was established to deal with costs in the administration of justice and in particular to make recommendations with respect to rising costs of representing accused persons involved in conspiracy cases. The sub-committee to consist of representatives from Ontario, British Columbia, Nova Scotia and Saskatchewan is to report at the next meeting of Provincial Directors.

Approval was given for a National Information Bank to be programmed on a two-year pilot project basis. Information as to the type of legal aid extended throughout Canada, advertising programmes, computer programmes, statistical information, etcetera, will be forwarded to the Bank and such information will be dispersed to the various legal aid plans.

A third sub-committee to supervise the Bank was appointed consisting of a representative from Ontario, Quebec, New Brunswick and Saskatchewan.

A fourth sub-committee to make recommendations with respect to granting of legal aid in Juvenile Court was appointed. The sub-committee to consist of representatives from Ontario, Alberta and Quebec.

The composition of a sub-committee on finance and statistics was confirmed consisting of representatives from Ontario, Quebec, Manitoba and Saskatchewan.

The next Provincial Director's meeting is to take place in Saskatoon, Saskatchewan, on August 27th and 28th, 1976.

LEGAL AID BULLETIN

The Chairman received a letter from C. R. Harris, Solicitor, Hamilton, which reads as follows:

> "At the December 10th meeting, you may recall that two solicitors removed themselves from the Legal Aid panel as a result of the Plan's inquiries into their accounts. At that time I raised the possibility of reporting these incidents, (and other matters), to the practising Bar in some sort of bulletin or communiqué.
>
> There are a number of areas of activity in the working of the Plan such as obtaining authority to proceed to trial, removal of solicitors from the Panel, sub-committee reports, etcetera, wherein a Bulletin could be a most useful source of information to the practicing Bar generally. Moreover, the reporting of solicitors removed from the Panel may be a deterrent to others as well as satisfying any questions that may arise about our collective vigilance on the public funds."

The Committee recommended that the Public Information Sub-Committee appointed in July, 1975 review all aspects of this matter with a view to formulating a Legal Aid Bulletin to be published in the Ontario Reports quarterly. This would enable the profession to receive early notice or information regarding policies developed by the Plan.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommends the following be appointed a member of the Area Committee in:

Brant County

Frank McInnes, Pharmacist, Brantford

RESIGNATION:
Waterloo County
J. Peter Giffen, Q.C., Kitchener

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Cooper

Mr. A. M. Cooper, Chairman, presented the Report of the Professional Conduct Committee of its meeting on 12th February, 1976.

The following members were present: Messrs. Cooper (Chairman), Carter, Carthy, Cass, Chappell, Fennell, Finlayson, Furlong, Humphrey, Mrs. Legge, Messrs. Lochead, Ogilvie, Rogers, Salhany, Seagram, Strauss, Mesdames Sutherland and Tait, and Mr. White.

REPORT OF SUB-COMMITTEE ON RULING 10 RELATING TO FIRM NAMES

The Committee gave consideration to the Report of this Sub-Committee which reads, in part, as follows:

> *Purpose of the Ruling*
>
> As far as can be ascertained, Ruling 10 in its present form was implemented to cover two situations:
>
> 1. To prevent a member of the Society from becoming a "resident partner" by establishing a practice in Ontario as an agent for a firm outside of Ontario; and
> 2. To prohibit firms from continuing to use the name of a Judge after he has been appointed to the Bench.
>
> *Permissive Uses*
>
> The ruling was also, apparently, drafted for the purpose of:
>
> 1. Permitting a member to use his own name or names and
> 2. Permitting members to use the name of a retired or deceased partner.
>
> *Other Jurisdictions*
>
> The Sub-Committee considered, *inter alia*, the Solicitor' Practice Rules, 1967, of the Law Society of England as published by that Society in 1974 as a guide to the professional conduct of solicitors. The relevant rule states that a solicitor shall not permit to appear on his name plate or

to be printed on his professional stationery the name of any person other than a solicitor who holds a current practising certificate: provided always that this rule shall not preclude (a) the appearance in the style or name of a solicitor's practice of the name of a predecessor or former partner in that practice or (b) the use of a style or firm name in use at the date of the coming into operation of these Rules or approved in writing by the Council of the Society.

A member of the Sub-Committee has been informed that in England this practice rule is not part of the Code of Professional Conduct of the Law Society and is not considered as such. The Law Society did not consider this matter as a matter of professional conduct but rather as a rule dealing with a solicitor's practice, similar to the Rules of the Law Society of Upper Canada with regard to accounts. For this reason, the Law Society of England passed a rule under Section 28 of The Solicitors' Act (England) which was later approved by the Master of the Rolls, as that Statute requires. The purpose of passing this rule was to permit the Law Society to deal with a firm which was using a name which was likely to mislead or confuse the public; the intention was to permit the Society to deal with complaints about misleading or confusing names. Information indicates that the rule is working well.

It appears desirable to have a rule of the Law Society of Upper Canada so designed that it would accomplish the purpose for which the English rule was adopted; namely, to prevent a firm from using a name which was likely to mislead or confuse the public.

Character of the Ruling — Recommendation

It is to be noted that in England they do not consider their rule to be a rule of professional conduct. It would be difficult to maintain that a rule designed to keep a foreign firm from setting up an office in Ontario was a matter of professional conduct. If the purpose of the rule is threefold, and the only aspect of the rule relating to professional conduct is to prevent the use of a Judge's name in a law firm, then it is recommended that the ruling be repealed and a new rule of the Law Society enacted that would have the following purposes:

1. To permit
    - (i) a member to use his own name or the names of partners in a firm;

(ii) the use of a retired or deceased partner's name provided he was not a Judge, unless he was a retired Judge who had returned to practice.

2. To prohibit
   (i) the use of the name of a firm outside of Ontario by a member of the Law Society of Upper Canada,
   (ii) the use of a Judge's name, and
   (iii) to prevent the use of names which may mislead or confuse the public.

The Committee will appoint a sub-committee to draft an amendment to Ruling 10 to carry out the intent of paragraph 2(iii) of the Sub-Committee's Report.

RULING 3

A lawyer has asked whether it would be proper to send a fund raising letter on behalf of a non-profit organization on his firm's letterhead. The distribution of this letter would not be limited to members of the legal profession.

The Committee was of the opinion that it would not be proper to send such a letter. If the intention had been to send it only to members of the profession, then the Committee felt there could be no objection.

RULING 10

The Committee was asked whether it would be proper for a law firm, in the event that a partner or associate of that firm is stationed in England to act as its representative, to set out the English address on the firm's letterhead. The Secretary was instructed to advise that the Committee could see nothing improper in this proposal in so far as the Law Society of Upper Canada was concerned.

Professor Whiteside contacted the Committee on behalf of the Faculty Council Clinical Law Committee which supervises the academic program and clinical work of Legal Assistance of Windsor. The letterhead of Legal Assistance of Windsor has been carrying the name of a social worker who is a full time member of the staff. Her profession is also shown. The Committee was of the view that there was nothing improper in the name and occupation of the social worker being on the letterhead. Professor Whiteside also asked whether the use of the term "student lawyer" to describe students who are enrolled in the program is proper. The Committee was of the opinion that the designation "student lawyer" should not be used and suggested consideration be given to using "law student" as an alternative.

RULING 16

A lawyer has drawn to the Committee's attention that a number of lawyers and law firms are listed in the Yellow Pages under the heading "Notaries Public". He has asked whether such listings are proper. The Committee has instructed the Secretary to advise the lawyer that no objection could be seen to such listings.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on 12th February, 1976.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Strauss and Mrs. Tait, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

Robert D. Hill, Q.C., donated a leather bound volume of the *Revised Statutes of Texas*, 1879, as an addition to library holdings.

ANNUAL INVENTORY

In the year 1975, six text books were taken from the Great Library without permission and have not been returned. Of texts taken in previous years, three were returned.

Texts taken in 1975 and not returned are:

Law Society of Upper Canada. Bar Admission Course.
Criminal procedure (section lectures) 1973/74
Toronto, 1974. c. 1, 104847; c. 2, 104848

Law Society of Upper Canada. Bar Admission Course.
Estate planning (section lectures) 1974/75
Toronto, 1974. c. 2, 107275.

Law Society of Upper Canada. Dept. of Continuing Education.
Programme on real property: *condominium conveyancing.*
Toronto, 1972. c. 2, 120347.

The Ontario annual practice. 1975. Toronto. 1975, c. 3, 108191.

Redmond, P.W.D. *Mercantile law.* 2d ed. London, MacDonald & Evans Ltd., 1968. 93180.

Comparative figures for the past five years are:

	Missing	*Returned*
1970	6	3
1971	5	7
1972	2	11
1973	2	15
1974	4	4

CANADIAN ASSOCIATION OF LAW LIBRARIES — ANNUAL CONVENTION

The Annual Convention of the Canadian Association of Law Libraries will take place in Vancouver, B.C., May 19-22, 1976. The Chief Librarian and an Assistant Librarian will be attending this meeting.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1975. The amounts of the grants to which they are entitled under the Regulations in 1975 and 1976 are as follows:

	1975	*1976*
Bruce	$1,460.00	$1,600.00
Lincoln	2,00000	2,000.00
Nipissing	1,325.00	1,500.00

Approved subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Mr. S. E. Fennell, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on 12th February, 1976.

The following members were present: Messrs. Fennell (Chairman), Cass, Furlong, Mrs. Legge, Messrs. Ogilvie, Strauss, Tobias, and White.

The Committee authorized investigations into the conduct of seven organizations which appear to be carrying on divorce operations and which were brought to the Committee's attention by members of the Society.

With respect to four of these organizations, the Committee has authorized immediate prosecutions if in the opinion of counsel the evidence so justifies.

The Committee has received a complaint that an organization is seeking to represent landlords and tenants before the Rent Review Board. A member of the Committee is preparing a précis on the rights of agents to appear before this tribunal.

The Committee considered a complaint from the purchasers of a condominium unit concerning a conveyancer who had acted for them. Apparently some time after closing it appeared certain adjustments had not been covered, namely, a tax deficit in the amount of $276.30 and maintenance deficit of $24.75, by reason of the conveyancer's failure to properly protect the purchaser. With regret the Committee had to advise the complainant that a prosecution could not be considered since the limitation period had run. In view of the fact that this conveyancer was, in the minds of the complainant and his wife, a lawyer, the matter is being further investigated to see if there is sufficient evidence to justify a prosecution under the Criminal Code.

On the direction of the Committee an information was sworn out against William McNiven April 24th, 1975, the allegation being that he was carrying on the practice of a lawyer by appearing in Provincial Court. The matter came on for trial before His Honour Judge Donald August in July 1975, Mr. McNiven being convicted and fined $350 or 40 days in jail. An appeal was launched from this conviction by way of trial de novo which was heard at Milton, January 29th, 1976 by His Honour Judge E. F. West. The appeal was dismissed.

The Committee recommended that consideration be given to informing the profession of Mr. McNiven's conviction through the Communiqué.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE—Mr. Cartwright

Mr. R. Ian Cartwright, Chairman, presented the Report of the Legislation and Rules Committee of its meeting on 18th February, 1976, and earlier meetings.

The Committee met on the following dates:

Thursday, 4th December, 1975, the following members being present: Messrs. Cartwright (Chairman), Common, Farquharson, Furlong, W. G. Gray and Mrs. Legge. Mr. N. MacL. Rogers attended by invitation.

Wednesday, 10th December, 1975, the following members being present: Messrs. Cartwright (Chairman), Common and Mrs. Legge. Mr. Rogers was also present by invitation.

Thursday, 29th January, 1976, the following members being present: Messrs. Cartwright (Chairman), Common, W. G. Gray and Mrs. Legge.

Thursday, 5th February, 1976, the following members being present: Messrs. Cartwright (Chairman), Common, Furlong and Mrs. Legge.

Wednesday, 18th February, 1976, the following members being present: Messrs. Cartwright (Chairman), Common, Furlong, W. G .Gray and Mrs. Legge.

1. SUBSECTION 1 OF SECTION 51f. OF THE LAW SOCIETY ACT

In its Report to the November Convocation, the Policy Section of the Discipline Committee approved the recommendation of the Sub-Committee that registered loan corporations should be included among those depositories that are acceptable for the purposes of the holding of trust monies. As a result of Convocation's approval of this recommendation, subsection 1 of section 51f. should be amended to read:

> 51f.(1) Every member who holds money in trust for or on account of more than one client in one fund shall hold the money in an account, bearing interest at a rate approved by the trustees, at a chartered bank, provincial savings office, or trust company or loan corporation that is registered under the Loan and Trust Corporations Act.

2. SUBSECTION 5 OF SECTION 18 OF THE REGULATION

As a result of Convocation in April of last year adopting the Discipline Committee's recommendation with respect to the depositing of trust funds outside Ontario, it is necessary to amend subsection 5 of section 18 of the Regulation to read as follows:

> 18.-(5) A member shall not be required to pay money received from a client into a trust account where,
>
> (a) the client instructs the member in writing to withhold the money from the trust account or to deposit the money elsewhere;

(b) a member pays the money into a separate account opened or to be opened in the name of a client or in the name of some person designated in writing by that client; or

(c) in the ordinary course of business upon its receipt the money is paid forthwith in the form in which it is received to or on behalf of the client,

but the handling of such money shall be shown in the books and records of the member.

3. SUBSECTION 1 OF SECTION 18 OF THE REGULATION

As a result of the amendments to subsection 1 of section 51f. of the Act and subsection 5 of section 18 of the Regulation, it is necessary to amend subsection 1 of section 18 of the Regulation to read as follows:

18.-(1) Every member who receives money in trust for a client, except money hereinafter expressly exempted from the application of this section, shall forthwith pay the money into an account designated as a trust account,

(a) located in the Province of Ontario at a chartered bank, provincial savings office, or trust company or loan corporation that is registered under the Loan and Trust Corporations Act; or

(b) located outside the Province of Ontario at a designated office of a financial institution, only with the consent of Convocation,

which account shall be kept in the name of the member or in the name of the firm of which he is a partner, associate or employee.

4. REPORT OF THE SPECIAL COMMITTEE ON SECTION 35 OF THE LAW SOCIETY ACT

The Report of the Special Committee on Section 35 of The Law Society Act received the approval of Convocation on 6th February, 1976. With the intention of implementing paragraph 8 in that Report, the Committee:

(a) drafted a new section which reads as follows:

> 35a.-(1) A committee of Convocation investigating a complaint made against a member under section 35 may make such inquiries as it considers appropriate and may require the member to submit to such physical and mental examination or examinations by such qualified person or persons as the committee may designate.

(2) If the member refuses or fails to submit to such examination or examinations, the committee may by order limit or suspend his rights and privileges as a member, which order shall be effective forthwith but shall continue in effect only until the next regular or special Convocation when such order shall lapse unless then continued, with or without variations, by Convocation for such time and on such terms as Convocation may decide.

(3) A copy of any report received by the committee from any qualified person or persons designated pursuant to subsection 1 shall forwith be served on the member.

(b) amended subsection 1 of section 33, which reads as follows:

"33.-(1) No disciplinary action under sections 34, 35, 37 or 38 shall be taken unless,

(a) a complaint under oath has been filed in the office of the Secretary and a copy thereof has been served on the person whose conduct is being investigated;

(b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and

(c) a committee of Convocation has heard evidence of or on behalf of the complainant, and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence and any evidence on his behalf and has reached the decision that he is guilty."

to read as follows:

33.(1) No action under sections 34, 35, 37 or 38 shall be taken unless,

(a) a complaint under oath has been filed in the office of the Secretary and a copy thereof has been served on the person whose conduct is being investigated;

(b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and

(c) a committee of Convocation has heard evidence of or on behalf of the complainant, and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence and any evidence on his behalf and has reached the decision that he is guilty.

THE REPORT WAS RECEIVED

BUILDING COMMITTEE

The Treasurer presented the Report of the Building Committee of its meeting on 16th February, 1976.

The following members were present: Messrs. Thom (Chairman), Common, W. G. Gray, Pepper, Robins, Sheard, Wilson, and Mrs. Legge.

In this report, the Committee will recommend that the Society accept from the Government of the Province of Ontario a lease for 99 years at a rental of $1.00 a year for the areas in Osgoode Hall which the Society now occupies but does not own, upon the condition that it is confirmed that the government's claim for $358,982 in respect of alterations to that space is withdrawn.

Briefly, the history of this matter is as follows. The Law Society built Osgoode Hall beginning in 1829 with the portion which houses the Benchers' quarters. The Government of Upper Canada asked and was granted by the Society to be permitted to have court accommodation in the Hall. Subsequently, additions to the building were made in the central and western portions and largely paid for by the Government though they belonged to and were maintained by the Society. In the last quarter of the nineteenth century, the Society deeded these areas to the province, reserving to itself its title to the Great Library and to certain rooms at the northeast and at the northwest corners of the Library. It continued, of course, to own the eastern section of the building and the land in front of it, as well as the front lawn south of the driveway. It continued to be responsible for the maintenance of the west lawn. Subsequently, the Society was permitted to occupy and use rooms on all floors in the southwest part of the building pursuant to Orders-in-Council. Since that time, the Society has continued to occupy those areas recognizing that the occupancy could be terminated at any time by the Government. When the Province of Ontario embarked upon major renovations of its portion of Osgoode Hall in 1968, the Society undertook to pay its share of the cost of these renovations, that is to say, the cost of improvements to the areas the Society occupies in the west wing. This undertaking was given on the understanding that the Society would obtain title to these areas. When the Government renovation program was complete, a bill from the Government was received by the Society for its share of the work done. The bill was not itemized and when the matter was reported to Convocation in November 1973, Mr. Heeney was asked to obtain a fully detailed account and the Society's Counsel, J. F. Howard, Q.C., was asked to proceed with obtaining a deed. Negotiations with the Government have continued and the Government has offered to withdraw its claim for $358,982, being the Society's share of the cost of renovations, and to give the Society instead of a deed a 99-year lease covering the areas concerned. The understanding that the Society would receive a fee simple in the property was never confirmed in writing by the Government though it has been acknowledged by the then Attorney General, Arthur A. Wishart, Q.C., and is reflected in the Secretary's notes of the conversation with Government representatives which took place in 1968 when the Government discussed with the Society its plans to renovate its portion of Osgoode Hall. In the negotiations which have taken place recently, it was apparent that the Government was loath to give a fee simple to the Society and would only do so, if at all, upon payment by the Society of its share of the cost of renovations.

At its meeting on 16th February, 1976, the Committee gave the matter careful consideration and concluded that a 99-year lease at a rental of $1.00 per year would give the Society the security of tenure it requires and that this course would be preferable provided the Government withdraws its claim on the Society for its share of the cost of renovations. Accordingly, the Committee recommended that such a lease be accepted on condition that it is confirmed that the Government's claim for $358,982 is withdrawn and that Mr. J. F. Howard be asked to act for the Society in settling the form and details of the lease.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 12th February, 1976.

The following members were present: Messrs. Sheard (Chairman), Carthy, Cass and Pepper.

STUDENT APPLICATIONS

An application for a grant from one student was before the Committee together with a memorandum from the Assistant Director for the Bar Admission Course in which she recommends that no grant be made.

The Committee recommended that no grant be made.

THE REPORT WAS ADOPTED

CONVOCATION ROSE AT 4:45 P.M.

Read in Convocation and confirmed 19th March, 1976.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Friday, 10th March, 1976
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Carnwath, Carthy, Chadwick, Chappell, Common, Finlayson, Furlong, R. J. S. Gray, Ground, Henderson, Kellock, Mrs. Legge, Messrs. Linden, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias and Wallace.

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. D. Bowlby, Chairman, presented the Report of the Legal Aid Committee of its meeting on 25th February, 1976.

The following members were present: John D. Bowlby, Chairman, and Messrs. Baker, Barrett, Carnwath, Carter, Fairbairn, Ferrier, Mrs. Fleming, Mr. Harris, Mrs. Jarmain, Mr. Jones, Father Denis Lacelle, Messrs. Lamb, Leitch, Lewis, Linden, Shibley, Mrs. Smyth and Mr. Wallace.

After debate arising from advice received by the Chairman of the Legal Aid Committee from The Attorney General in regard to budget, it was agreed by the Committee that:

1. The Law Society should advise the Attorney General that it is prepared to assist in implementing the Government's decision to control the cost of legal aid.
2. Administrative costs will be closely monitored by the Law Society in order that opportunities for cost saving will be recognized and acted upon including the supervision of all persons participating in the delivery of services.
3. Since administrative measures will not in themselves accomplish the financial result required by the Government it will be necessary to consider additional legislative measures of a policy nature limiting or eliminating some services now provided. The Law Society will report as to the various alternatives available to Government to accomplish further savings in that regard.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee of its meeting on 5th March, 1976.

The following members were present: John D. Bowlby, Chairman, and Messrs. Baker, Barrett, Harris, Mrs. Jarmain, Messrs. Lamb, Leitch, Lewis, Linden and Mrs. Smyth.

James C. M. Gothard, Solicitor, Area Director, Waterloo County, Mrs. G. J. Grant, Q.C., Area Director, Middlesex and Perth Counties were in attendance by special invitation.

REPORT OF THE DEPUTY DIRECTOR

(a) *Finance*

During the month of January, 1976, the Legal Aid Fund received a total of $1,208,500 from the Law Foundation. These receipts enabled the Fund to maintain payment of legal fees and disbursements although at a considerably reduced level. The Fund was unable to meet the final solicitor cheque run for the month with the result that payments totalling $1.4 million were deferred until February 24.

The anticipated cash flow for the remaining two months of this fiscal year is as follows:

Source of funds

		$.000
February:	Province of Ontario	1,400.0
	Law Foundation	1,049.0
	Recoveries from clients	150.0
March:	Law Foundation (estimated)	750.0
	Recoveries from clients	150.0
		3,499.0

Payments

1. With the exception of payroll costs, day-to-day administrative expenses will be covered by client contributions and costs recovered — estimated at $300,000.
2. From the monies received from the Province and the Law Foundation there will be set aside for—

	$.000
Emergency funding of independent community groups	300.0
Distribution to Student Legal Aid Societies	44.0
Payroll costs	420.0
	764.0

3. The balance of funds available, approximately

$2,435,000, will be distributed in payment of fees and disbursements

(a) on February 24 approximately $1.4 million

(b) payments of progressively smaller value on March 9, March 23, and March 31.

The backlog of solicitors' accounts received but not paid at March 31, 1976, will likely total 11,000 for a value of $3.2 million. Prior to funding difficulties the Plan had been working towards a year-end backlog of 5,000 accounts valued at $1.4 million.

The Plan will therefore be under-financed to the tune of approximately $1.8 million. The budget will be balanced by deferring payment of this liability until next fiscal year.

(b) *Statistics*

The following table compares actual Legal Aid activity for the 10 month period ended January 31, 1976, with activity for last year and the target for this current year.

	Actual 10 months to Jan. 31/75	*Actual 10 months to Jan. 31/76*	*Target 10 months to Jan. 31/76*	*% over last year*	*% over target*
Informal applicants	55,672	77,647	64,440	44.6	20.5
Applications for certificates	76,651	89,066	83,640	16.2	6.5
Certificates issued	59,428	71,874	67,920	21.0	5.8
Persons assisted by Duty Counsel	103,941	121,896	116,420	17.3	4.7

COMMITTEE ON FUNDING — INDEPENDENT COMMUNITY LEGAL SERVICES GROUPS

A meeting of this Committee which was appointed at the request of the Attorney General was held 26th February, 1976.

The following report was made by James B. Chadwick, Chairman of the Committee:

(A) INJURED WORKMEN'S CONSULTANTS, Toronto

This is a non-profit corporation and its function is to assist injured workers in pursuing their claims for compensation with the Workmen's Compensation Board. This service is provided without fee and is done by lay persons who are familiar with the processes of the Board and describe themselves as paralegals who give both assistance and representation for their clients.

A secondary function of the organization is to identify what they regard as weaknesses or unnecessary sources of frustration in the Board's administration and then attempt to change the Board's procedures and, if necessary, its legislation to that end. It was active in pressing for a revamping of the whole approach to Workmen's Compensation which resulted in the report of the Task Force some time ago.

RECOMMENDATION:

On hearing representations from this group the Clinical Funding Committee was satisfied that they required interim funding in the amount of $833 in order to carry them through until March 31st, 1976. The Committee recommended that the Area Director of York County be advised of this group's existence and be consulted as to whether he could provide Duty Counsel to work with this group at least one afternoon a week to give them the necessary legal guidance.

(B) TENANT HOT LINE, Toronto

This is an unincorporated organization which has been funded by L.I.P. Grants and operates at the Don Vale Community Centre. It began its operations in January 1975 and its personnel were given training by the personnel at People and Law, particularly in the field of Landlord and Tenant legislation. Its function is to give advice to tenants in the Metropolitan Toronto area. It has established a policy that Landlord problems are not serviced. Its personnel are in contact with lawyers with whom they examine individual tenant's problems and they will refer tenants to any one of a number of lawyers for purposes of Court representation.

RECOMMENDATION:

The Tenant Hot Line L.I.P. Grant is sufficient to carry them through until March 31, 1976.

(C) YOUNG PEOPLE IN LEGAL DIFFICULTY, Kitchener-Waterloo

This organization began in 1971 as a group of young people in legal difficulties, together with several adults. It is an unincorporated agency. This group began to appear in Provincial Courts as observers and gradually assumed the role of questioning or criticizing Court procedures and the conduct of Duty Counsel. It has been funded in a variety of ways.

RECOMMENDATION:

This group has sufficient money to carry them through until the end of March, 1976.

(D) TORONTO COMMUNITY LAW SCHOOL, Toronto

This is a non-profit, charitable corporation, working in the field of community education, i.e. preventive legal aid. Among their projects are:

(i) A High School Project, teaching law to High School teachers;

(ii) An Ethnic Project, writing pamphlets on various areas of the law and translated in other languages, and organizing teaching situations for members of ethnic groups;

(iii) A Corrections Project, working with the Ministry of Corrections — visiting training schools and prisons to teach pertinent aspects of the law to prisoners.

They offer courses on various areas of the law. Their booklets on explanations of various aspects of the law are constantly in demand.

The balance of grants available for the remainder of the current fiscal year is sufficient to cover expenditure at the present level. There is some continuing revenue from the sale of booklets, at present approximately $3,500 per annum.

RECOMMENDATION:

This group has sufficient money to carry them through until the end of March, 1976.

(E) NEIGHBOURHOOD LEGAL SERVICES, Toronto

This organization is similar to Parkdale Community Legal Services. The concept developed in late 1972 or early 1973 and was aimed to meet the needs of low income residents of the Don District, i.e., Cabbage Town-Riverdale District in Toronto — particularly in matters not adequately covered by the private bar or the structured Plan.

In some respects it differs in its organization and approach from Parkdale and these differences are outlined in its letter of October 31, 1975. The office is governed by a Board of Directors assembled from the local community and there are no lawyers on the board. However, there is a separate advisory board composed of three lawyers, one law student, two doctors and an accountant.

It has carried on a programme of preventive law both before and since the case work began.

The office opened for case work in April 1975 and the intake and supervision systems were adapted from the Student Legal Aid Society of the University of Toronto. This activity was made possible by a nine-month grant from the Federal Department of Justice, which began February 1st, 1975. There have been other smaller grants as well, but, because of inadequate funding, the level of service has had to be reduced.

They estimate that to provide a proper service to their target group would require a budget of approximately $90,000 per year. Their staff consists of a lawyer, three full-time legal workers or paralegals and one part-time legal worker/secretary.

The office engages in case work only in the areas of Welfare Law, Housing including Landlord and Tenant and Unemployment Insurance, and, as in the case of the other applicant agencies, makes referrals to the Legal Aid Plan and Duty Counsel.

RECOMMENDATION:

Neighbourhood Legal Services have operated a project similar to Parkdale. Upon hearing representatives from this group and reviewing its financial requirements, the Committee is satisfied they require the sum of $4,443 in order to meet expenditures until the end of March, 1976.

(F) PROBLEM CENTRAL, Toronto

This is an unincorporated agency operated by Robert A. Kozlowski from his residence. His wife works with him in its administration. An application has recently been made to the Federal Companies Branch for non-profit incorporation.

The agency has existed since 1971, its primary function being to provide counselling assistance and representation to members of the ethnic community in Toronto, particularly immigrants. The areas covered include Unemployment Insurance, Workmen's Compensation, Canada Pension Plan and other matters which tend to fall outside the private bar and the Legal Aid Plan. It, of course, makes referrals to the Plan and acts as an "intake" of the Area Director's office. Civil Duty Counsel have for several years been posted to its clinics, which are located in schools in areas of Toronto predominantly populated by immigrants.

The agency is organized to use the services of a staff lawyer (whose salary is funded by the Federal Justice Department), Duty Counsel from the Plan, social workers, lay counsellors (many being volunteers) and some 18 law students from

Osgoode Hall during the school year. The counsellors among them have fluency in many languages.

RECOMMENDATION:

Mr. Kozlowski appeared on behalf of Problem Central and indicated that they were in great financial difficulty and required interim funding in order for them to exist until March 31st, 1976. Upon reviewing the material that was supplied by Mr. Kozlowski, the Committee was unable to determine the extent of the funding required by Problem Central and, in particular, the breakdown given for activities carried on by Problem Central which would fall within the definition of clinical delivery services as set forth in the Regulation. Mr. Kozlowski is to provide the Committee with further information in order that we may be able to deal with its application.

(G) PEOPLE AND LAW RESEARCH FOUNDATION INC., Toronto

This is an organization established to provide community legal education, paralegal training and to some extent legal services. A lawyer and several paralegal staff carry out these functions. It is a non-profit, charitable corporation. The emphasis has been in working with low income and immigrant groups but work is done with others as well.

The organization grew out of the "Poverty Law" office established several years ago in the Kensington area by a large Toronto law firm. It was found that most of the needs of the target community were not appropriate to a large law firm and that different approaches were necessary.

The primary function of the office is to develop and conduct seminars and work shop sessions for lay persons in various agencies in order to better equip them to provide their services to the public. Seminars have been conducted on Workmen's Compensation, Landlord and Tenant, the legal system generally, and Welfare Legislation.

RECOMMENDATION:

This group provides training to paralegals for other community agencies and at present is operating three courses for paralegals in the Landlord and Tenant field. In reviewing the material submitted by the representative of People and Law and on hearing its submissions, the Committee was satisfied that its needs approximately $11,009.40 to operate until the end of March, 1976. However, upon reviewing the definition of clinical delivery services and the operation described to the Committee by People and Law, the Committee felt that only 70 per cent of its budget could be qualified as being for clinical delivery services.

The Committee therefore recommended an amount of $7,706.33 to cover its funding until March 31st, 1976.

(H) THE CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION, Toronto

This is a non-profit, charitable corporation founded in 1970 by a coalition of lawyers, scientists, and environmentalists who believe that the law can be used to protect and enhance our environment.

The Foundation, through the Canadian Environmental Law Association, provides an Environmental Law Advisory Office, explains the law in language understandable to the lay person, sponsors major legal research projects to assess existing laws and recommends legal reform.

The Canadian Environmental Law Association was founded at the same time as CELRF and implements the programmes and objectives of the Foundation. Most of CELA's activities, with the exception of litigation, are sponsored by the Foundation. Although the Association has never conducted a membership drive, CELA has attracted a membership of more than 800 professional and lay people across Canada.

THE ENVIRONMENTAL LAW ADVISORY OFFICE

The Environmental Law Advisory Office provides three basic services to the public:

1. A complaints and advisory service which includes legal advice and research.
2. Legal assistance without charge to those in need.
3. Information to the public about environmental responsibilities through public addresses and publications.

COMPLAINTS AND ADVISORY SERVICE WHICH INCLUDES LEGAL ADVICE AND RESEARCH

This service provides assistance to groups and individuals on general environmental problems. The advice and assistance given ranges from outlining steps to be taken to deal with a noisy air-conditioner to an interpretation of the Atomic Energy Act. The legal advice and assistance given will often involve a staff lawyer in negotiations with polluters and/or government bodies. Frequently the assistance given by CELA results in a successful solution without resorting to court action. In 1975, the Office dealt with 400 enquiries for advice or assistance.

The Environmental Law Advisory Office gives legal advice to environmental groups and ratepayer associations. The advice includes interpretation of Ontario Municipal Board Rulings, clarification of existing laws, advice on possible legal approaches for a given problem.

RECOMMENDATION:

This group made a late application to the Committee. The submissions that it had forwarded to the Federal Department of Justice and also to the Attorney General's Department were reviewed by the Committee. Although this group requires interim funding the Committee is not satisfied at this time that it comes within the definition of clinical delivery services and cannot recommend funding under the interim measures.

LIMITATION OF CERTIFICATES (75 Criminal)

At its November 1971 meeting the Committee again reviewed the policy of limiting the number of certificates a lawyer can accept (75 criminal certificates per legal aid fiscal year). The Committee recommended, and Convocation approved, the following:

(a) that the policy of limiting the number of criminal certificates to 75 which a solicitor may accept in a legal aid fiscal year be continued;

(b) that the Director be given discretion to waive the limitation and permit an increase to 125, subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee, if the Director refuses the request;

(c) that any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

E. J. McGrath, Solicitor, London, applied for an increase in excess of 125 certificates for the fiscal year April 1st, 1975 to March 31st, 1976.

The Committee recommended that the solicitor be permitted an increase to 150 certificates.

Sheldon L. Altman, Solicitor, Toronto, applied for an increase in excess of 125 certificates for the fiscal year April 1st, 1975 to March 31st, 1976.

The Committee recommended that the solicitor be permitted an increase to 160 certificates.

FUNDING — STUDENT LEGAL AID SOCIETIES

The Committee reviewed a report of the meeting held on Saturday, January 17th, 1976, at the Provincial Director's office, Toronto, attended by the Deans of the six Law Schools, Student Legal Aid Society executives and Faculty Advisers.

The Committee approved the recommendation arising from the meeting which will result in the final distribution of the sum of $44,000 to the Student Legal Aid Societies. The effect of the recommendation was to make available a sum of $6,000 more than the original approved budget of $120,000 for Student Legal Aid Societies for this fiscal year.

The funds for the fiscal year will have been distributed as follows:

Already distributed:	
Equally among the 6 Law Schools for "base costs"	$ 63,000
To Western and Windsor re their respective faculty law clinics: 2 x 9,500	19,000
	$ 82,000
To be distributed to:	
Osgoode	13,500
University of Toronto	13,500
Queen's	8,500
Ottawa	8,500
	$126,000

The increase of $6,000 was necessitated by the diversion of $19,000 to initiate the Law School Clinics in London and Windsor.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed members of the Area Committees in:

Renfrew County

Donald C. Root, Probation Officer, Pembroke
Sean Conway, M.L.A., Pembroke
Herbert W. Shaw, Solicitor, Pembroke

Waterloo County

Mrs. Louise Barber, Kitchener

Wentworth County

Sheila Scott, Dean of Women for McMaster University, Hamilton

Bors Steven Shemerys, Head of Counselling and Health Services, Mohawk College, Hamilton

RESIGNATIONS:

Renfrew County

F. Allan Huckabone, Solicitor, Pembroke
J. C. Mullin, Pembroke
John N. Mulcahy, Q.C., Crown Attorney, Pembroke

Wentworth County

Leslie Prince, McMaster University, Hamilton

Muskoka District

Don Fink, Gravenhurst

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Lochead

Re: DOUGLAS K. ROBERTSON, Q.C., Toronto

The solicitor attended with counsel, Mr. Harry Keenan. The Society was represented by Mr. S. E. Traviss.

The reporter was sworn.

Consent to short notice of hearing was filed.

The Secretary read the Decision of the Discipline Committee dated 2nd March, 1976, wherein the solicitor was found guilty of professional misconduct in that during a period of particular stress he had failed to maintain proper books and records or to hold sufficient funds in trust to meet his trust obligations and had misappropriated more than $6,000 in addition to borrowing money from a client without observing the requirements of Ruling 14 of the Professional Conduct Handbook.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

Counsel for the solicitor made no submissions.

The solicitor, counsel and the reporter withdrew.

The motion that the Decision be accepted was *carried.*

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the solicitor by Order be reprimanded in Convocation and that he be required to comply with the filing requirements set out below:

(1) that the solicitor be required to submit quarterly audited statements, to include a full set of financial statements on his practice together with a list of trust obligations for the quarter in question, these quarterly audited statements to be filed within a month of the quarter's end;

(2) that the solicitor be required to file monthly listings of his trust obligations together with a reconciliation of his trust bank account by the 15th of each month;

(3) that the filings required in paragraphs (1) and (2) be prepared under the supervision of an auditor who is satisfactory to the Law Society;

(4) that the auditor who is prepared to do this work undertake in writing to the Law Society that he be on a specific retainer and will notify the Law Society should the nature of his retainer be varied or should it cease;

(5) that a new co-signing arrangement be entered into on the solicitor's trust bank account whereby no cheque can be written without it being co-signed by another lawyer or by the auditor approved by the Law Society;

(6) that the filings and requirements noted in paragraphs 1 to 5 be carried on for an indefinite period of time, and that if the solicitor wishes to be relieved of these requirements, he must make application to Convocation.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the acceptance by Convocation of the Decision of the Discipline Committee and of the motions respecting penalty before Convocation. The motion for disbarment being more severe than that recommended by the Discipline Committee, counsel for the solicitor was advised that he might have an adjournment if he wished it. The adjournment was declined. Counsel for the solicitor made submissions respecting penalty. The solicitor, counsel and the reporter retired.

The motion to disbar was *lost*.

The motion that the solicitor by Order be reprimanded and required to comply with the strict terms and conditions in respect of his practice in the future including submitting quarterly full audited financial statements and co-signing arrangements for trust cheques was *carried*.

The solicitor, both counsel and the reporter returned.

The solicitor was informed of Convocation's decision respecting penalty and advised of his right of appeal and that if he wished, he could waive his right of appeal and request that the penalty of reprimand be carried out forthwith. The solicitor waived his right of appeal and undertook to conform to the requirements laid down by Convocation.

Counsel and the reporter withdrew.

The solicitor was reprimanded by the Treasurer.

CONVOCATION ROSE AT 12:50 P.M.

Read in Convocation and confirmed 19th March, 1976.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 19th March, 1976
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Bynoe, Carnwath, Carthy, Chappell, Common, Fennell, Finlayson, R. J. S. Gray, W. G. Gray, Ground, Henderson, Mrs. Legge, Messrs. Linden, Pepper, Robins, Salhany, Seagram, Shepherd, Shibley, Strauss, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, Wallace and Zahoruk.

MINUTES

The Minutes of Convocation of 20th February, 1976 and of Special Convocation of 10th March, 1976 were read and confirmed.

APPOINTMENT OF SPECIAL COMMITTEE ON PUBLISHING DECISIONS OF THE DISCIPLINE COMMITTEE, ETC.

At Convocation on 21st November, 1975, the Treasurer was authorized to appoint a special committee to propose for Convocation's approval a method of publishing decisions of the Discipline Committee, opinions and advice of the Professional Conduct Committee, and other matters which should be brought to the profession's attention.

The Treasurer announced that he had appointed the special committee comprised of Messrs. Chappell, R. J. S. Gray, Ground and Kellock.

DISCIPLINE COMMITTEE–Mr. Lochead

GENERAL REPORT

Mr. H. G. Chappell presented the General Report of the Policy Section of the Discipline Committee of its meeting on 8th January, 1976, which was first submitted to Convocation on 16th January, 1976.

The following members were present: Messrs. Lochead (Chairman), Carnwath, Carrier, Cartwright, Furlong, Kellock and Mrs. Sutherland.

REPORT OF THE SUB-COMMITTEE ON THE REVIEW OF PROCEDURES IN THE LIGHT OF RECENT DEFALCATIONS

At its March 1975 meeting, the Committee appointed a Sub-Committee to review procedures in the light of recent defalcations.

The Committee considered the Report of this Sub-Committee and by unanimous consent routine amendments were made. The Report as amended was then adopted by the Committee and a copy of the Report was before Convocation.

Consideration of the Sub-Committee's Report by Convocation was interrupted to permit the transaction of other business.

ADMISSIONS COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented that part of the Report of the Admissions Committee of its meeting on 11th March, 1976, with respect to Call to the Bar.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

SPECIAL

The following candidates having filed the necessary papers, complied with the requirements of the Admissions Committee in each case and paid the required fee of $200, are entitled to be called to the Bar and granted Certificates of Fitness:

John Ashton Clarence-Smith	Special—Faculty of Law, University of Western Ontario
Robert Anthony Land	Special—Faculty of Law, Queen's University
Larry Thomas Taman	Special—Osgoode Hall Law School, York University

Approved

THAT PART OF THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

John Ashton Clarence-Smith
Robert Anthony Land
Larry Thomas Taman

REPORT OF THE SUB-COMMITTEE ON THE REVIEW OF PROCEDURES IN THE LIGHT OF RECENT DEFALCATIONS

Convocation resumed its consideration of the Sub-Committee's Report which as amended in Convocation reads as follows:

The sub-committee was set up as a result of the resolution of Convocation to review procedures in the light of recent defalcations which were outlined to Convocation by Robert L. Anderson, C.A. The sub-committee consists of:

George D. Finlayson, Q.C., Chairman
John Pallett, Q.C.
Joseph Carrier
Burton Kellock, Q.C.
John D. Ground, Q.C.
Clare I. Scott, Q.C., Secretary

The sub-committee met on July 2nd, 1975, September 10th, 1975, October 8th, 1975 and October 27th, 1975. It submitted an interim report dated the 11th day of September, 1975. At all meetings Mr. Robert L. Anderson, C.A., was in attendance at the invitation of the sub-committee.

The problems related to the sub-committee by Mr. Anderson which have given rise to defalcations in recent times can be fitted into two broad categories.

I PROBLEMS DISCLOSED BY AN EXAMINATION OF THE BOOKS, RECORDS, AND ACCOUNTS MAINTAINED BY THE SOLICITOR IN CONNECTION WITH HIS PRACTICE.

Here the most common problem that Mr. Anderson and his staff encounter is still overdrawn trust ledger accounts which are apparent from an examination of the trust records themselves. Not as common, but less apparent, are improper charges made against trust ledger accounts, the significance of which cannot be appreciated without a detailed analysis of all trust ledger accounts, a cross reference to clients' files, and confirmation of transactions in detail with clients. Many of these improper charges to the clients' trust ledgers can be subsequently remedied by the solicitor and in consequence without a full audit being made of the solicitor's records and his clients' files, it is impossible to subsequently determine that such an improper charge has been made.

It became apparent to the members of the sub-committee at the outset that Mr. Anderson needed additional staff and recommendations with respect to this were made by the sub-committee in its report of September 11th, 1975 and were given effect to by

Convocation. Nevertheless the sub-committee wishes to emphasize that the vigilant policing of solicitors' accounts in a highly visible way has had a salutary effect on all solicitors in the past, and certainly to the extent that improper conduct can be caught at an early stage, the result is an immediate saving of claims against the Compensation Fund. Accordingly, Mr. Anderson is urged to bring his staff requirements to the attention of Convocation so that he is always satisfied that he has sufficient staff available to him.

On the question of charging some or all of this additional staff to the Compensation Fund, Mr. Anderson assured the sub-committee that there was no problem from an internal accounting point of view in both his staff and members of the secretarial staff making docket entries with respect to time spent on audits and investigative work so that appropriate charges can clearly be isolated and charged to whatever account is appropriate. The sub-committee is of the view that the Compensation Fund should be charged with these costs because it will get the immediate benefit of stricter policing methods.

Recommendation No. 1

That Mr. Anderson be encouraged to hire whatever additional staff is required from time to time and that the costs of his staff and that of the secretarial staff when involved in auditing and investigative work be charged to the Compensation Fund.

In this area, Mr. Anderson also pointed out that there was a comparatively small number of lawyers who had their accounts audited by an independent firm of chartered accountants as opposed to retaining such a firm to give the certificate required by Form 2 respecting the keeping of proper records by the solicitor. The Form 2 certificate is general in nature, and after specifically disclaiming any responsibility for their accuracy or completeness, it in effect states that the books of the solicitor appear to be kept in compliance with the rules and regulations of the Law Society. It in no way purports to be an audit.

On the other hand, Mr. Anderson points out that audits are expensive and he estimates it would cost a single lawyer at least $1,000.00 to have such an audit. He also points out that most firms will not permit their auditors to circularize their clients to confirm balances owing or owed and will not permit access to the clients' files. In addition, internal control over bookkeeping procedures in small firms may not conform to acceptable standards, solely because of the size of the firm. For this reason the auditors' certificates are qualified and their work restricted to a mechanical audit. This basically involves doing a spot check for a test month which consists of:

(a) vouching the entries in the cash receipts and disbursements for both trust and general to duplicate deposit slips and cashed cheques;
(b) posting entries in cash books to clients' ledgers;
(c) adding the entries in the clients' ledgers for the test month;
(d) checking the trust and general bank reconciliations for the test month;
(e) checking the clients' ledgers trial balance for the test month;
(f) adding the trial balances;
(g) comparing the trust trial balance with the trust bank reconciliation.

If the audit of the test month reveals nothing meriting further investigation, the auditors extend their test audit conclusions to the year end figures. Mr. Anderson feels that this audit, without verification by writing to clients, inspecting files, and dealing with internal control, provides not much more protection than the certificate called for in Form 2.

Despite Mr. Anderson's comments, the sub-committee was of the view that solicitors should be encouraged to retain outside accounting firms to advise them as to the proper setting up of their books and to audit their procedures on a regular basis including commenting on the adequacy of their internal security. Despite the expense involved, the sub-committee was of the view that retention of outside auditors is at the very least, prudent business practice, and solicitors should be encouraged to retain them now on the understanding that it will be the policy of the Law Society within five years to make them mandatory. If solicitors will not permit circularizing clients and inspecting clients' files, the Law Society may have to pass regulations requiring this to be a part of the audit.

Recommendation No. 2

That the members of the profession be advised that it is prudent business practice to retain an independent firm of chartered accountants to advise them as to proper accounting procedures and they are put on notice that within five years they may well be required to supply auditor's certificates from an independent firm of chartered accountants in accordance with guidelines to be laid down by the Society.

II PROBLEMS NOT DISCLOSED BY THE BOOKS, RECORDS AND ACCOUNTS MAINTAINED BY THE SOLICITOR IN CONNECTION WITH HIS PRACTICE.

The major defalcations reported by Mr. Anderson because of operations carried on by the solicitor outside the records of account that he is required to keep by the regulations of the Law Society fall into four classifications.

(i) Occasions on which the solicitor borrowed from clients or encouraged clients to invest money in a security in which the lawyer had an interest.

Under this head, despite the very clear provisions of the present Ruling 14 contained in the Professional Conduct Handbook, it has been Mr. Anderson's experience that the case of the solicitor borrowing from clients is all too common and that in almost no case is there any independent advice or representation given to the client.

Ruling 14 states that a solicitor should not borrow money from his client save in exceptional circumstances and in that case the onus of proving that the client's interests were fully protected by the nature of the case or by independent advice will rest on the solicitor.

As a practical matter this rule is ignored and when a solicitor is brought before the Discipline Committee to be tried on charges which arise from a failure to comply with Ruling 14, the Committee is usually met with the argument that if there is to be any realistic hope of seeing that the client does not suffer by reason of having loaned money to the solicitor, the solicitor's ability to continue in practice should not be jeopardized.

Mr. Anderson recounted cases where he had found very substantial amounts of money had been borrowed, and in many cases no better security was given than a promissory note of the solicitor himself, or of a corporation which he controlled. In many cases the solicitor who borrowed the money from his clients is not in a position to borrow money from any other source.

The anomaly is that a client who has loaned money to a solicitor where the provisions of Ruling 14 have been complied with has no recourse if the money is not repaid, while on the other hand, a client who has not been warned of his right to independent legal advice and urged to obtain it, can argue that the failure to be so advised amounts to dishonest conduct and that he is entitled to compensation from the Fund. Thus in many cases he is better secured by not receiving advice than he is if he does. Further to this, Mr. Anderson advised that investigation revealed in some cases that the solicitor had used Ruling 14 as a device to assist in extracting the loan from the client, pointing out that should he default in paying the loan, the Law Society would stand behind it and the client would be compensated out of the Fund.

No problem arises, of course, where the client is a financial institution or any other corporation or person whose business is that of lending money to members of the public, and as it turns out there have been very few problems in connection with loans made by clients who are members of the solicitor's family either directly or through control of a holding corporation. This being the case, the sub-committee feels that there is no need to make any change with respect to Ruling 14 in these areas, although once again it must be emphasized that when dealing with family clients, the obligation to ensure that they obtain independent legal advice still exists.

With respect to persons falling into all other categories, it appeared to the sub-committee, after much discussion, that violations of Ruling 14 have led to such severe defalcations that there should be an out and out prohibition against borrowing from such clients. This may be a hardship to some solicitors but it hardly appears to your committee to be too much of a sacrifice for a solicitor to make in undertaking the practice of law.

No one can protect the public and the Compensation Fund against persons who are out and out dishonest, and certainly if loans are made from clients in violation of a prohibition from the Law Society, this will result in claims against the Compensation Fund. On the other hand it should ensure swift retribution by the Law Society to the solicitor involved.

Recommendation No. 3

A member of the Society shall not borrow money either directly or indirectly through a corporation or related person (as defined in the Income Tax Act Canada) or by way of guarantee from a client or from a person who at the time of the borrowing is a client of his firm except where:

(a) the client is a lending institution, financial institution, insurance company, trust company, or any other corporation or person whose business is that of lending money to members of the public; or

(b) the client is a related person as defined in the Income Tax Act Canada provided that in this case the onus of proving that the client's interests were fully protected by the nature of the case or by independent advice will rest on the solicitor. (For definition of "related person" in the Income Tax Act Canada see Schedule A.)

(ii) The solicitor investing a client's funds on behalf of the client.

Recommendation No. 4—Deleted

A further question is to what extent is a solicitor justified in encouraging any client to invest in any company or security in which the solicitor has an interest. Putting it another way, to what extent is the Law Society going to continue to permit members of the profession to carry on a combined law practice and business career?

Chapter 6 of the Code of Professional Conduct of the Canadian Bar Association which has been adopted by Convocation deals with Outside Interests and The Practice of Law. It states the rule as:

> "The lawyer who engages in another profession, business or occupation concurrently with the practice of law must not allow such outside interest to jeopardize his profesional integrity, independence or competence."

In the commentary that follows it is said that the term "outside interest" covers the widest possible range and includes activities which may overlap or be connected with the practice of law, such as engaging in the mortgage business, acting as a director for a client corporation, writing on legal subjects, etc., as well as activities not so connected, such as careers in business, politics, broadcasting, the performing arts, etc. In each case the question of whether the lawyer may properly engage in the outside interest, and if permissible the extent to which he may do so, will be subject to any applicable law or rule of his Governing Body.

The commentary goes on to state that the lawyer must not allow his involvement in an outside interest to impair the exercise of his independent professional judgment on behalf of his clients. It concludes by stating that the lawyer must make it clear whether he is acting in his professional capacity of lawyer or otherwise.

Similarly in Chapter V on Impartiality and Conflict of Interest it is stated in commentary number 7:

> "7. The same basic considerations apply where the conflicting interest arises not by reason of the lawyer's duties or obligations to another client, but by reason of his own financial or other interest or that of an associate. For example, the lawyer or one of his family or his partners might have a personal financial interest in the client or in the matter in which the lawyer is requested to act for the client, such as a partnership interest in some joint business venture with the client. Another example is when a debtor-creditor relationship exists between the lawyer or his firm and the client. This, however, is a relationship which should be avoided and save in exceptional circumstances the lawyer should not borrow money from a client who is not in the business of lending money and it is undesirable that he lend money to his client except by way of advancing necessary expenses in a legal matter which he is handling for that client."

The question of borrowed money has already been dealt with.

After consideration the sub-committee was of the view that a solicitor should be very reluctant to invest his own money or that of any corporation which he controls, directly or indirectly or through a related person, in the business or property of a client unless such investment is in the form of a purchase of securities in a client corporation which is a publicly traded corporation. Notwithstanding this caveat, where a solicitor has invested money in the business or property of a client, he should be scrupulous in making it clear to his client on what occasions he is continuing to act as solicitor and on what occasions he is acting as co-investor or co-adventurer. In any event, he should not from that point forward represent any other client with respect to the investment by such client in the first client's business or property in which the solicitor now has an interest, unless, of course, the client falls within the exceptions defined in Recommendation No. 3 above, i.e., lending institutions and family corporations. Remember, the solicitor is now in effect borrowing money from a client because the borrower is another client in which he has a financial interest.

Recommendation No. 5

It is undesirable for a member of the Society to represent anyone with respect to the investment by such person in a corporation or other entity in which the solicitor has an interest other than a corporation or other entity whose securities are publicly traded. At the very least he must insist that his client receive independent legal advice where the corporation is not publicly traded.

Recommendation No. 6–Deleted

(iii) *Deleted*

Recommendation No. 7–Deleted

(iv) The solicitor acting as Trustee or Executor.

To the extent that a solicitor is acting as an Executor, Trustee or Administrator of a particular estate and treats that estate as he would any other client of his office, no real problem arises because these estate accounts are subject to inspection by the Law Society's auditors as a client. It must also be made clear that there is nothing objectionable whatsoever about a solicitor keeping his administration of an estate or trust entirely separate from his records as a solicitor, and certainly there is nothing in the present regulations of the Law Society which prohibits him from doing so, but Mr. Anderson and his staff have found that on a number of occasions there has been evidence of monies going from clients' trust accounts into estates, trusts, and personal holding corporations and Mr. Anderson has been unable to track the movement of the money from the clients' trust accounts to these other accounts which are kept separate from the solicitor's accounts.

Again, there is nothing objectionable about a solicitor operating or managing a family trust or personal corporation in order to look after his own family's financial interest, but if it appears that clients' monies are being diverted from clients' trust accounts to these family holdings and the like, then the solicitor has no bona fide reason for not permitting the Law Society's auditors to follow the clients' money into these outside activities and determine what disposition is being made of it. Mr. Anderson advises that solicitors have refused to produce books and records of companies that the Law Society's auditors were suspicious of and have done so solely on the basis that the regulations do not so compel them. The excuse usually given in the case of family corporations is that "other shareholders" will not permit it, and in the case of estates, that it is a breach of confidentiality, but this would not appear to be an adequate excuse if the solicitor's regular practice accounts disclose that clients' monies are going into these other accounts.

The present Regulation 22 of The Law Society Act restricts an investigation by the Law Society auditors to the books and accounts of any member solicitor for the purpose of ascertaining and reporting whether Regulations 18, 19 and 20 have been and are being complied with. It is clear that Regulations 18, 19 and 20 relate strictly to the maintenance of books, records and accounts in connection with the practice of law by the solicitor and would not cover the keeping of records of any company, estate or trust in which he had an interest, either in whole or in part, which he elected to operate separate and apart from the practice of law. It would appear that Regulation 22 and the other Regulations, if need be, should be expanded to permit the Law Society's auditors on demand to require the solicitor to produce other books and records which relate to businesses, trusts or estates which he is operating or administering if there is any evidence disclosed that there is a connection between clients' monies and these other operations.

Recommendation No. 8

That Section 22 be amended by adding thereto a new sub-section (2) and renumbering the existing sub-sections (2), (3) and (4) to (3), (4) and (5), the new sub-section (2) to read as follows:

> (2) Where the person designated under ss. (1) has been able to trace money belonging to clients from the member's records as described in section 19 hereof to a business or corporation or estate or trust in which the member or any partner of his has an interest either direct or indirect or to an estate or trust

of which the member or his partner is an executor, administrator or trustee, he may require that the member produce the books and records of the said business, corporation, estate or trust in the possession of or under the control of the member for inspection by the said designated person.

Attached hereto and marked as Schedule B is a memorandum of some of the more notable cases to which Mr. Anderson made reference. It is not intended to be exhaustive or even selective but it does indicate the magnitude of the defalcations which have concerned the sub-committee.

. . . . .

SCHEDULE A—"RELATED PERSON"

Income Tax Act, Part XVII, Section 251 (2)
"(2) Relationship defined. For the purpose of this Act "related persons", or persons related to each other, are

- (a) individuals connected by blood relationship, marriage or adoption;
- (b) a corporation and
  - (i) a person who controls the corporation, if it is controlled by one person,
  - (ii) a person who is a member of a related group that controls the corporation, or
  - (iii) any person related to a person described by subparagraph (i) or (ii);
- (c) any two corporations
  - (i) if they are controlled by the same person or group of persons,
  - (ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,
  - (iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,
  - (iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
  - (v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or
  - (vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation."

. . . . .

SCHEDULE B—MEMORANDUM

In the synopsis below reference is not made to some solicitors by name since their applications to the Compensation Fund have not been finally disposed of. From the point of view of this subcommittee the fact that there may well be defences available to the Fund based on the lack of a solicitor-client relationship or that there are restrictions on the pay out because of limits that the Law Society has placed on individual claims in no way affects the conclusion that members of the public were defrauded of very substantial sums by the solicitors involved.

Borrowing from clients:

Several recent instances of borrowing from clients, either directly by the lawyer or indirectly by a corporation controlled by him, and which have led to applications to the Compensation Fund are:

Solicitor	*Date*	*Application to Fund*
David Bowman	1970	$295,000.00
Denis Boyle	1974	215,000.00
Solicitor A	1974	400,000.00
		$910,000.00

Another which has not yet led to applications to the Fund is Messrs. B & B in Toronto, where the liabilities to client-creditors exceeds one million dollars. The debtor corporate vehicle owned by the members of the firm is in voluntary liquidation; however, there has not been a market for its assets, and the situation may deteriorate to the Society's loss.

Investing clients' money:

The investments invariably are mortgages, and the situations which come to mind and which involve the lawyer purporting to collect and remit morgage payments are:

Solicitor	*Date*	*Applications to Fund*
John Drysdale	1965	$ 155,000.00
Nathan Pivnick	1968	210,000.00
Sidney Caplan	1970	1,050,000.00
Solicitor C	1973	180,000.00
Solicitor D	1974	145,000.00
Solicitor E	1974	210,000.00
		$1,950,000.00

. . . . .

THE REPORT AS AMENDED WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Finlayson

Mr. G. D. Finlayson, Chairman, presented the Report of the Legal Education Committee of its meeting on 11th March, 1976.

The following members were present: Mr. G. D. Finlayson, Chairman, Mr. G. F. Henderson and Mr. J. D. Ground, Vice-Chairmen, and Messrs. Brulé, Carthy, Henderson, Kellock, Shibley and Mrs. Tait.

Special Petitions—Bar Admission Course

Four petitions were considered by the Committee. One petitioner, a solicitor from Nova Scotia who had practised in that province for approximately two years and subsequently was employed in the Legal Department of the Royal Bank of Canada in Montreal where he is at present employed, sought permission to enter the Bar Admission Course and to have the articling period shortened to permit him to enter the teaching period in September 1976. The petition was approved by the Committee. The second petitioner sought exemption from the articling period of the Bar Admission Course because of his extensive experience as a legal assistant with law firms in Toronto and London, England. The Committee gave preliminary consideration to this petition at its January meeting but deferred its decision to permit the petitioner to make further written submissions respecting his experience as a legal assistant. Having considered the petitioner's further submissions, the Committee recommended that the petition be denied. The third petitioner, having previously received deferments with respect to the teaching portion of the Bar Admission Course to permit him to take a post-graduate law course in 1972, to accept an appointment as a sessional lecturer at Osgoode Hall Law School in 1973 and to accept the position of assistant professor on the Faculty of Law at Oklahoma City University in 1975, sought permission to defer his entry into the teaching term until September 1977. The Committee approved his petition. The fourth petitioner, having completed the articling period of the Bar Admission Course in 1974 and then having transferred to another province where he became a member of the Bar, requested permission to enter the 1976 teaching portion of the Bar Admission Course. The petition was approved.

Senior Instructors, Ottawa Section,
Bar Admission Course—Meeting and Dinner

The Director recommended that the Society entertain the Senior Instructors of the Ottawa Section of the Bar Admission Course at dinner following their meeting in Ottawa on Tuesday, 13th April.

Approved

FINANCIAL STATEMENTS

Financial Statements for the Bar Admission Course and Continuing Education covering the eight-month period from 1st July, 1975 to 29th February, 1976 were before the Committee for its information.

Noted

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE–(CONTINUED)

Re: WALTER PIDLUBNY, Woodstock

Mr. W. G. Gray placed the matter before Convocation.

Mr. J. D. Carnwath was not present, took no part in the discussion and did not vote.

The reporter was sworn.

The solicitor attended with his counsel, Mr. G. D. Jefferson. The Law Society was represented by Mr. S. E. Traviss.

Mr. Gray filed a direction by the solicitor respecting service of the Decision of the Discipline Committee together with the affidavit of Mr. John Bresnahan respecting such service.

The Secretary read the Decision of the Discipline Committee dated 15th March, 1976, wherein the solicitor was found guilty of professional misconduct in that he failed to keep the necessary books and records, misappropriated over $17,000 of clients' funds, withdrew money from his trust account without notifying his clients and failed to maintain sufficient funds in his trust account to meet his trust obligations.

It was moved and seconded that the Decision of the Discipline Committee be accepted.

Counsel made no submissions. The solicitor, counsel and the reporter retired.

The motion that the Decision be accepted was *carried.*

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation and of the motion respecting penalty before Convocation. Counsel for the solicitor made submissions respecting penalty. He asked for a penalty of suspension or that the solicitor be permitted to resign on undertaking not to apply for readmission. The solicitor, counsel and the reporter withdrew.

The motion that Convocation disbar the solicitor was *carried.*

The solicitor was informed of Convocation's decision.

ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the remainder of the Report of the Admissions Committee of its meeting on 11th March, 1976.

The following members were present: Mrs. L. L. Legge, Vice-Chairman, in the Chair, and Messrs. Finlayson, R. J. S. Gray, Henderson, White and Mrs. Sutherland.

ADMISSION OF STUDENTS AT LAW

BAR ADMISSION COURSE

Five candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Bar Admission Course as of 1st September, 1974. Three applied under Regulation 26 (5) and two under Regulation 4 (1).

Two candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Bar Admission Course as of 1st September, 1975. One applied under Regulation 26 (5) and the other under former Regulation 5.

Approved

DIRECT TRANSFER

The Committee considered two applications for direct transfer to practise in Ontario. A Manitoba solicitor sought permission to proceed under Regulation 4 (1) and a New Brunswick solicitor sought permission to proceed under Regulations 3 (1) and 4 (1). Both applications were approved.

DIRECT TRANSFER FROM QUEBEC

A Quebec solicitor applied for direct transfer to practise in Ontario and sought to proceed under Regulation 4 (2). He requested that in view of the fact that he held the degrees of B.C.L. and LL.B. from McGill University, the requirement that he pass a comprehensive examination in the Common Law of Ontario be waived. The Committee recommended that he be permitted to proceed under Regulation 4 (2) but that he be required to pass both examinations.

BAR ADMISSION COURSE

A United Kingdom solicitor from Jamaica was granted permission in April 1967 to proceed under the Regulation then governing the transfer of United Kingdom solicitors to practise in Ontario. The candidate commenced service under articles in September 1967 but found it necessary to petition the Legal Education Committee to be allowed to discontinue service under articles at the end of the year and to resume such service one year later. Permission was granted. He was unable to arrange articles to begin at the end of 1968 but made arrangements to begin in September 1969. Circumstances required that he return to Jamaica and he has been unable to return to Canada. He wrote from Jamaica asking permission to continue service under articles from where he left off. The Committee recommended that he be advised that his membership in the Bar Admission Course had lapsed.

The Committee had before it a letter asking whether a criminal record would prevent the writer from being admitted to the Bar Admission Course and later admitted to the practice of law. The writer was convicted of theft under Section 294(b) of the Criminal Code of Canada and sentenced to pay a fine of $100 with an alternative of ten days in a common gaol. The fine was paid on the day of conviction. Letters from the presiding Judge and the Crown Attorney in the case were before the Committee. It is recommended that the correspondent be advised that the circumstances set out in the correspondence submitted would not preclude admission to the Bar Admission Course and call to the Bar in Ontario.

REPORT OF THE EXAMINING BOARD— EXTERNAL EXAMINATIONS

Two candidates, having been approved to proceed under Regulation 5, sat the required examination in England. The report of the Examining Board was before the Committee. Both failed. The report was approved.

SPECIAL APPLICATION FOR ADMISSION TO THE BAR ADMISSION COURSE

The Committee had before it an application for admission to the Bar Admission Course under Regulation 26 (5) from a member of the English Bar. The applicant possessed the following academic attainments:

B.A., Political Science and Economics, McGill University, Montreal, 1969; B.A., Jurisprudence, 1971, and B.C.L., 1972, Oxford University, England. He was an assistant professor on the faculty of law of an approved university in Ontario from 1972 to 1974. He returned to England to attend the 1974-75 Bar Admission Course, Council of Legal Education, and was called to the Bar in England in July 1975.

The applicant attended before the Committee with counsel who made submissions. The Committee, though impressed with the applicant's qualifications, considered that it had no discretion to permit him to enter the Bar Admission Course because he does not comply with the requirements of Regulation 26 (5).

It was moved, seconded and *carried* in Convocation that Convocation hear the applicant and his counsel.

The applicant attended with his counsel who made submissions.

CONVOCATION ADJOURNED FOR LUNCHEON AT 12: 40 P.M.

The Treasurer and Benchers had as their guests at luncheon The Honourable R. Roy McMurtry, Attorney General of Ontario, Mr. E. F. Conover, recently appointed Registrar of the Supreme Court of Ontario, and Mr. P. D. Lawlor, Q.C., M.L.A.

CONVOCATION RESUMED AT 2:50 P.M., A QUORUM BEING PRESENT

ADMISSIONS COMMITTEE–(CONTINUED)

Convocation considered the submissions of counsel for the applicant for admission to the Bar Admission Course.

It was moved and seconded, that the Report of the Admissions Committee be amended to permit the applicant to enter the Bar Admission Course and upon successful completion thereof to be called to the Bar and admitted as a solicitor.

Lost

THE REPORT WAS ADOPTED

FINANCE COMMITTEE–Mr. Shepherd

Mr. W. G. Gray presented the Report of the Finance Committee of its meeting on 11th March, 1976.

The following members were present: Messrs. Shepherd (Chairman), W. G. Gray, Ground, Henderson and R. F. Wilson.

ROLLS AND RECORDS

Appointment to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society will be placed in abeyance upon his assuming office:

Gilbert Logan Murdoch, Q.C., Oshawa	Called–15 September 1949 Appointed County Court Judge, County of Peterborough–29 January 1976

Noted

Deaths

The following members have died:

Willard Meredith Gordon, Q.C., Toronto (Life Member)	Called–21 June 1923 Deceased–14 February 1976
Henry Sidney Hamilton, Q.C., Sault Ste. Marie (Life Member)	Called–19 October 1916 Deceased–10 February 1976
Bernard Mandel, Toronto	Called–20 March 1975 Deceased–6 February 1976
Russell Talbot Payton, Q.C., Toronto	Called–17 October 1935 Deceased–5 February 1976
Leo Gregory Latchford, Hamilton	Called–21 September 1933 Deceased–15 January 1976
Everett Bristol, Q.C., Toronto (Life Member)	Called–14 July 1914 Deceased–17 February 1976
William Edgar Bastedo, Victoria, B.C.	Called–21 October 1920 Deceased–17 February 1976
Moore Armstrong Miller, Q.C., Cobourg (Life Member)	Called–25 May 1912 Deceased–6 February 1976
The Hon. John Leonard Wilson, Q.C., Port Carling (Former Judge, S.C.O., High Court of Justice)	Called–21 October 1926 Deceased–23 February 1976

Noted

Disbarments

The following former members have been disbarred and struck off the rolls, and their names have been removed from the rolls and records of the Society:

Akich Okola, Toronto	Called–19 March 1970 Disbarred–Convocation 6 February 1976
Robert Kei Tanaka, Waterdown	Called–23 March 1973 Disbarred–Convocation 20 February 1976

Noted

MEMBERSHIP UNDER RULE 50–RETIRED MEMBERS

The following members, who are sixty-five years of age or over, and who are fully retired from the practice of law and other employment, requested consideration of their applications to continue their membership in the Society at a reduced annual fee of $25.00:

Donald Edmund McQuigge, Toronto
Albert John Greene Wilson, Toronto

Approved

CHANGE OF NAME

Jennifer Lederman, a student member, requested that her name be changed on the Rolls and records of the Society to Jennifer *Isabel* Lederman, as it appears on her Certificate of Canadian Citizenship.

Reno Anthony Stradiotto, a solicitor practising in Toronto, requested that his name be changed on the Rolls and records of the Society to *Rino Emilio* Anthony Stradiotto, as it appears on his Birth Certificate.

Approved

ANNUAL FEES

Philip Anisman requested that as he is employed by a Government of Canada Department located in Hull, Quebec, he be exempted from paying the Compensation Fund levy. Mr. Anisman resides in Ottawa. The opinion of the Finance Committee was requested on this matter.

The Committee recommended that Mr. Anisman be advised that under the Rules of the Society he is liable to pay the Compensation Fund levy.

F. Andrew Brewin, Q.C., M.P., Ottawa, requested that as a Federal Member of Parliament he be exempted from paying the

Compensation Fund levy. Mr. Brewin does not consider Ottawa as being in Ontario but as the seat of Government of Canada.

The Committee recommended that Mr. Brewin be advised that under the rules of the Society he is liable to pay the Compensation Fund levy.

REFUND OF FEES—BAR ADMISSION COURSE

Hugh Sanford Riley was admitted to the Bar Admission Course for the articling term 1975/76. He wished to withdraw from the course as he is returning to Manitoba and asked for a refund of his admission fee of $101. Approval was requested of a refund of his admission fee less an administration charge of $25.00–$76.

Approved

STAFF APPOINTMENT

The Secretary recommended the appointment of Mr. *C. I. Scott* to the position of Deputy Secretary. Mr. Scott joined the Law Society on April 1st, 1966, as Assistant Secretary. The appointment as Deputy Secretary would be appropriate to Mr. Scott's general responsibility, particularly in respect of the Society's disciplinary work, and the fact that he acts in place of the Secretary if the Secretary is absent.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which have sent in their Annual Returns for 1975 and setting out the amount of the grants to which they appear to be entitled under the Rules in 1975 and 1976. The Libraries and Reporting Committee considered this memorandum at its meeting on 11th March, 1976.

Approved subject to the approval of the Libraries and Reporting Committee.

LEGISLATION AND RULES COMMITTEE

The Legislation and Rules Committee advised that its 1975/76 Budget of $20,000 will be exceeded by an estimated $1,896.40 and requested this Committee's approval for the overspending which had arisen through the Legislation and Rules Committee's achievement in bringing into printed form a booklet of amendments to The Law Society Act, Regulation and Rules.

Approved

LEGAL EDUCATION COMMITTEE

Ottawa Senior Instructors' Meeting and Dinner

The Director of Legal Education recommended that the Society entertain the Senior Instructors of the Ottawa Section of the Bar Admission Course at dinner following their meeting in Ottawa on Tuesday, 13th April.

Approved subject to the approval of the Legal Education Committee.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mrs. L. L. Legge presented the Report of the Professional Conduct Committee of its meeting on 11th March, 1976.

The following members were present: Messrs. Kellock (Vice-Chairman acting as Chairman), Brulé, Carthy, Chappell, Farquharson, Furlong, R.J. Gray, Ground, Mrs. Legge, Mr. Seagram and Mesdames Sutherland and Tait.

REPORT OF SUB-COMMIITTEE ON COMMUNICATION BY COUNSEL WITH WITNESSES GIVING EVIDENCE

The Committee considered the Sub-Committee's Report and, one amendment having been made by the Committee, recommended that the Report set out below be adopted by Convocation:

REPORT OF THE SUB-COMMITTEE ON COMMUNICATION BY COUNSEL WITH WITNESSES GIVING EVIDENCE

At the meeting of the Professional Conduct Committee held on July 28th, 1975, a Sub-Committee composed of Messrs. Furlong (Chairman), Carter, Cartwright and Humphrey was appointed to consider the impropriety of talking to a client or witness while he is in the midst of giving testimony.

The Sub-Committee solicited the views of certain justices in Canada who had been leading counsel in practice and the views of several practising senior counsel in Ontario and other provinces. Correspondence was exchanged with the office of the Secretary of The Law Society in London; attached to this report is a copy of a letter from The Law Society which is self-explanatory. The English practice is in the view of the Sub-Committee not specifically appropriate or applicable in Ontario where there is not the same separation between solicitors and barristers.

There does not appear to be any uniformity in the views and practice of counsel with the possible exception that the majority of counsel purported to avoid any communication during cross-examination of counsel's own witness, without leave of the court and knowledge of opposing counsel where such communication may be necessary to prevent a probable miscarriage of justice.

The Sub-Committee acknowledges the possibility in given circumstances of a conflict between rules permitting certain conversations by counsel with his witness in the interest of eliciting the truth, on one hand, and preservation of the adversary system on the other hand.

The Sub-Committee attempted to consider the solicitor's request from the basic premise that once a witness of counsel has commenced to give evidence in a proceeding such counsel should not initiate or engage in any discussion with such witness concerning that witness's evidence excepting where it is necessary to elicit or obtain information not already in possession of such counsel.

Recognizing that such a general rule is both broad and narrow at the same time the Sub-Committee has attempted to be more precise and submits for consideration of the Professional Conduct Committee the following rules or guidelines relating to communications between a counsel and a witness while that witness is giving evidence in a proceeding:

1. *During examination in chief by counsel of his own witness:* It is not improper for counsel to discuss with the witness any matter that has not been introduced in examination before such discussion. It is improper for counsel to discuss with such a witness any evidence given by that witness during the prior examination in chief.
2. *During examination in chief by other counsel of his witness who is adverse in interest to you:* The Sub-Committee thought it not improper for counsel (not conducting the examination in chief) to discuss the evidence with such a witness.
3. *Between completion of examination in chief and commencement of cross-examination of counsel's own witness:* There ought to be no discussion of the evidence given in chief or relating to any matter introduced or touched upon during the examination in chief.
4. *During cross-examination by opposing counsel:* Counsel ought not to have with his witness under cross-examination any conversation respecting the evidence of the witness or relative to any issue in the proceeding.
5. *Between completion of cross-examination and commencement of re-examination:* Counsel whose witness is to be re-examined

by him ought not to have any discussion respecting evidence that will be dealt with on re-examination.

6. *During cross-examination by counsel of a witness adverse in interest to the cross examiner:* It is not improper for such counsel to discuss with such a witness the evidence of that witness.
7. *During cross-examination by counsel of a witness who is favourable to that counsel's cause:* In this case conversations ought to be restricted as in the case of communications during examination in chief of one's own witness.
8. *During re-examination of witness called by opposing counsel:* If the witness is not adverse in interest there ought to be no communication relating to the evidence to be given by that witness during re-examination. If the witness is adverse in interest it does not seem improper for counsel to discuss the evidence of that witness with him.

The Sub-Committee is of the view that any rule of the Professional Conduct Committee permitting or restricting communications between counsel and a witness giving evidence ought to be equally applicable in the case of all witnesses and whether or not they are litigants, clients of counsel or expert witnesses.

It is difficult if not impossible to draft any rule or rules that would be applicable in all foreseeable circumstances. Any such rules should be subject to the overriding obligation of counsel's conduct to be of the highest professional character and always consistent with counsel's responsibilities to and as an officer of the court. If counsel suspects that his conduct may be in violation of a rule of conduct or professional etiquette in many cases it will be more appropriate to first obtain the consent of opposing counsel and leave of the court before engaging in conversations that may be considered improper or a breach of etiquette. One can only speak generally in the abstract. Thomas Lund in his lectures distributed to members of this Society said in referring to the duties of a solicitor in litigation towards the court, the client and the non-client "... part of a solicitor's duty to the court is not to keep back from the court any information which ought to be before it, and he must in no way mislead the court by stating facts which are untrue. At the same time a solicitor is bound to act with the utmost fairness with regard to his own client; he is bound to use his utmost skill for his client, but he is not bound to degrade himself for the purpose of winning his client's case. He ought never to fight unfairly, though he is bound to use every proper and fair effort to bring his client's cause to a successful issue. ... The relationship between solicitor and client, however, involves the solicitor ... in a duty not to fight unfairly, and that arises from his duty to himself and to his profession generally not to do anything which is degrading to himself as a gentleman and a man of honour."

. . . . .

It was moved, seconded and *carried* that with respect to the Report of the Sub-Committee on Communication by Counsel with Witnesses giving Evidence the proposed precepts be circulated as a proposed ruling of Professional Conduct to the profession before being finally considered by Convocation.

It was moved, seconded and *carried* that the precepts include the words "subject to any Ruling of the Court or tribunal in which they are to be applied".

. . . . .

TRADE MARK

The Committee's attention was drawn to a page in the Canadian Trade Marks Journal of February 25th, 1976. The item of concern which was published for opposition is set out below:

> "388, 694. 14-9-75. Comptek Research, Inc., 455 Cayuga Road, Cheektowaga, New York 14225, United States of America. Agent: Alex. E. MacRae & Co., P.O. Box 806, Station B, Ottawa, Ontario, K1P 5T4
>
> BARRISTER
>
> Wares: Computerized text editing, information storage and retrieval and accounting systems comprising a typing station and a central computer with optional equipment in the nature of an adding machine keyboard and a high speed line printer. Proposed use in Canada."

The Committee recommended that the appropriate parties be advised that the Society opposes the granting of this trade mark.

RULING 14

As a result of the reference in the February 20th, 1976 Communiqué to Ruling 14, a lawyer wrote to the Committee setting out the following situation.

Over the years he has received requests from clients to invest money on their behalf on mortgages since they realized that the nature of his practice presents a demand for mortgage monies. In all cases, the lawyer advises, the lender is given full particulars of the security and terms of the mortgage available before agreeing to loaning the money. In the majority of cases the client takes the full mortage himself, but in the few cases where the mortgage was too large for the client to finance totally, and in other cases at the request of the client, the lawyer participated in the mortgage by contributing a portion of the mortgage monies. The lawyer is of the opinion that in every case it could be said that he has a personal interest in that the morgage transaction results in legal fees to his office. No fees are ever charged to the client-lenders. As far as he is aware none of them has ever had any problem with his mortgage nor has any of them, to his knowledge, sought independent advice.

The solicitor believes that the above practice is quite common throughout Ontario.

The Committee is of the opinion that the provisions of Ruling 14, paragraph 2 apply in instances where the lawyer joins with the client in advancing funds. The reason is that the clients' funds are being invested in security, namely, the mortgage, in which the lawyer has an interest. The provisions of Ruling 14, paragraph 2 are as follows:

RULING 14
BORROWING FROM CLIENTS AND INVESTING CLIENTS' MONEY

2. In transactions in which the client's funds are invested in a security in which the Solicitor has a personal interest, either direct or indirect through a Corporation or Syndicate in which the Solicitor has a substantial or controlling interest, the fullest disclosure must be made to the client in writing and the client must be represented by an independent Solicitor in the transaction."

RULING 32—PROPOSED AMENDMENTS

At the January 1975 Convocation the Committee recommended the adoption of a Sub-Committee Report dealing with the proposed revision of Ruling 32. At the Committee's suggestion Convocation approved of the publication of a Notice to the Profession which reads as follows:

"NOTICE TO THE PROFESSION

PROFESSIONAL CONDUCT COMMITTEE

RULING 32—DUTY TO MEET FINANCIAL OBLIGATIONS

A report of a sub-committee recommending a revision of the above noted Ruling was considered by the Professional Conduct

Committee. Before deciding what action if any, to take on the report, it was the decision of the Committee that views of the Profession be sought. The purpose of the proposed revision is to make it clear that in appropriate situations, accounts of doctors, engineers, surveyors, etc. will be covered.

Ruling 32 in its present form reads as follows:

> "To maintain the honour of the Bar members have a professional duty (quite apart from any legal liability) to meet financial obligations in relation to their practice such as debts incurred to Sheriffs, Special Examiners, Registrars of Deeds and other public officials; agency accounts and obligations to members of the profession.
>
> When a member incurs an obligation on behalf of a client which he is not prepared to pay personally he shall make his position clear in writing at the time the obligation is incurred."

The proposed revision is as follows:

> "To maintain the honour of the Bar members have a professional duty (quite apart from any legal liability) to meet financial obligations incurred, assumed or undertaken on behalf of clients unless before incurring such obligations the lawyer concerned clearly indicates in writing that he, or she, is not prepared to meet the obligation personally."

Dated this 28th day of February, 1975."

This Notice was published in the Ontario Reports dated March 21st, 1975. Three lawyers responded to this Notice. After due consideration of the views expressed the Committee recommends that Ruling 32 be revised as proposed in the Notice to the Profession.

THE REPORT AS AMENDED WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on 11th March, 1976.

The following members were present: Messrs. Seagram (Chairman), Farquharson, Shibley, Strauss, Mrs. Tait and Mr. Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The following donations to the Great Library have been received:

Messrs. Carley, Lech and Lightbody, Barristers and Solicitors, Peterborough	A total of 149 volumes in good condition comprising 65 volumes of Statutes; 24 volumes of Reports; 48 volumes of Digests and 12 Texts.
The T. Eaton Company Ltd., Legal Office, Toronto	A total of 107 volumes comprising 98 volumes of Statutes, 2 volumes of Digests and 7 Texts.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1975. The amounts of grants to which they are entitled under the Regulations in 1975 and 1976 are as follows:

	1975	*1976*
Brant	$2,000.00	$2,000.00
Carleton	2,000.00	2,000.00
Elgin	1,705.00	1,616.25
Essex	2,000,00	2,000.00
Grey	1,603.34	1,816.67
Haldimand	830.00	795.00
Huron	970.00	1,075.00
Kenora	840.00	906.67
Kent	2,000.00	2,000.00
Lindsay	965.00	1,185.00
Middlesex	2,000.00	2,000.00
Northumberland	1,466.67	1,536.67
Oxford	1,915.00	1,810.00
Peel	1,705.00	2,000.00
Peterborough	2,000.00	1,930.00
Perth	1,460.00	1,495,00
Prescott & Russell	750.00	750.00
Simcoe	2,000.00	2,000.00
Waterloo	2,000.00	2,000.00
Welland	2,000.00	2,000.00
Wellington	2,000.00	2,000.00

Approved, subject to the approval of the Finance Committee.

REPORTING

DELAY IN PUBLISHING DECISIONS, MINUTES, ETC. IN THE ONTARIO REPORTS

Mr. Justice Arnup wrote to the Society on the 10th of March, drawing attention to the fact that in the last three numbers of the Ontario Reports there were cases in which the judgments had issued ten months earlier.

The Committee had considered the problem before. In essence it is a matter of money. The size of the Ontario Reports is determined each year by the amount of money the Society agrees to pay on the basis of an estimate made annually by Canada Law Book Limited, with whom there is a contract running to December 31, 1980. The number of cases to be reported has been increasing and the volume of Convocation minutes has also been growing in recent years. The solution to the problem appears to be to authorize and pay for thicker issues of the Ontario Reports which would accumulate each year to form an additional volume.

The tender for the next year will be considered by the Committee in June. The Committee is conscious of the very real obligation to provide the profession with prompt reporting of judgments and of the desirability to report the minutes of Convocation without delay and recommends that no action be taken for the present but that in June when the tender for the ensuing year is before the Committee consideration be given to increasing the size of the Ontario Reports. The Committee will report and make recommendations to Convocation on this matter at that time.

. . . . .

It was moved, seconded and *carried* in Convocation, that the matter respecting Delay in Publishing Decisions, etc. be referred back to the Committee with leave to the Committee to consult whomsoever it wishes and with the appointment to the Committee of such other members of Convocation as the Treasurer may see fit.

. . . . .

THE REPORT AS AMENDED WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Mr. Carnwath presented the Report of the Unauthorized Practice Committee of its meeting on 11th March, 1976.

The following members were present: Messrs. White (Vice-Chairman), Carnwath, Furlong, Mrs. Legge, and Mr. Strauss.

1. The Committee considered the following memorandum prepared by Mr. Tobias which concluded that agents could appear before the Rent Review Board on behalf of a landlord or tenant:

> Memorandum with respect to appearances before the Rent Review Officer or Residential Premises Rent Review Board pursuant to the Residential Premises Rent Review Act of Ontario.
>
> This Act provides for the appointment of a Rent Review Officer and for the appointment of a Residential Premises Rent Review Board.
>
> Landlords and tenants of residential premises may apply to a Rent Review Officer for a hearing to determine whether an increase in rent complies with the provisions of this Act.
>
> An appeal lies from the determination of the Rent Review Officer to the Rent Review Board by way of a de novo hearing.
>
> This Act contains no provisions with respect to the representation of parties before the Rent Review Officer or the Rent Review Board. It is submitted that the provisions of the Statutory Powers Procedure Act, therefore, govern these proceedings and in particular Section 10, which reads:
>
> "10. A party to proceedings may at a hearing,
> (a) be represented by counsel or an agent;
> (b) call and examine witnesses and present his arguments and submissions;
> (c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence."
>
> For this reason it is submitted that landlords or tenants may be represented at hearings before a Rent Review Officer or the Rent Review Board by a person who is not a Barrister and Solicitor and, therefore, the publication of an advertisement offering such services ought not to be of concern to this Committee.

2. The Committee considered excerpts from the Carruthers report to the Superintendent of Insurance (Report 4 on Insurance Study) and instructed the Secretary to advise the Superintendent of Insurance that the Law Society takes strong exception to the use of the proposed term "public claims advisor" rather than "adjuster", and that a further letter with submissions would follow. A Sub-Committee composed of Mr. Furlong and Mr. White will look into this matter and draft a letter to the Superintendent setting out the Law Society's submission for consideration by the Committee at its next meeting. The Secretary was instructed to

make copies of Pages 12-30 of Vol. 4 and to send them to the Presidents of the larger County Law Associations.

3. The Committee recommended that Convocation's approval be sought for an agent provocateur to investigate in order to obtain evidence of unauthorized practice by an individual. Counsel for the Law Society recommended that this action be taken.

The Committee also wished it noted that the following motion was *carried* at the March 17th, 1972 meeting of Convocation: "Moved and seconded that as a matter of principle agents provocateurs be employed only where it appears to be necessary for the protection of the public and where other methods of investigation have failed, and then only with the specific approval of the Treasurer together with the Chairman and the Vice-Chairman of either the Unauthorized Practice Committee or the Discipline Committee".

4. The Committee also recomended that counsel further investigate the activities of an individual by writing to the Attorney-General concerning some divorce cases in which the Queen's Proctor had been asked to intervene.

5. The Committee also recommended that counsel further investigate an organization which purports to incorporate companies for $150.00 plus government fees.

6. The Committee considered a number of other matters and issued instructions on the action it deemed appropriate in each instance to the Secretary.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. R. J. S. Gray presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 11th March, 1976.

The following members were present: Messrs. Carthy (in the Chair), Kellock and R. J. Gray.

APPLICATION

The Committee considered and approved one application for a grant.

THE REPORT WAS ADOPTED

APPOINTMENT OF SPECIAL COMMITTEE RE: PRISONERS' RIGHTS (RESOLUTION OF ANNUAL MEETING)

At the Annual Meeting of the Society on Monday, 15th December, 1975, a resolution respecting Prisoners' Rights was adopted, namely: That the Law Society request the Government of Ontario and the Government of Canada to respect the privilege as recognized by the Common Law attaching to communications between solicitors and their clients.

The Treasurer appointed Messrs. Salhany and Bynoe a special committee to consider the matter and report to Convocation.

The Bench welcomed back Mr. Peter Bell, Assistant Secretary, after his serious eye operation.

CONVOCATION ROSE AT 5:00 P.M.

Read in Convocation and confirmed 23rd April, 1976.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 8th April, 1976
11:15 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Bowlby, Brulé, Carnwath, Carrier, Common, Furlong, W. G. Gray, Ground, Kellock, Mrs. Legge, Messrs. Ogilvie, Pepper, Salhany, Seagram, Sheard, Shibley, Mesdames Sutherland and Tait, and Mr. White

LEGAL EDUCATION COMMITTEE–Mr. Finlayson

Mr. Ground, Vice-Chairman, presented the Report of the Legal Education Committee of its meeting prior to Convocation.

The following members were present: Mr. G. D. Finlayson, Chairman, Mr. J. D. Ground, Vice-Chairman, Messrs. Brulé, R. J. Gray, Kellock, Salhany, Shibley and Mrs. Tait.

EXAMINATION RESULTS–SEVENTEENTH BAR ADMISSION COURSE

The Report of the Director of the Bar Admission Course on the results of the examination was before the Committee showing that 828 have passed and 5 have failed.

Approved

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Admissions Committee of its meeting prior to Convocation.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, Messrs. R. J. Gray, Sheard, White, and Mrs. Sutherland

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The Committee had before it a list of 321 candidates who had successfully completed the Seventeenth Bar Admission Course, filed the necessary documents and paid the required fee of $210 and who applied for Call to the Bar and to be granted Certificates of Fitness at the ceremonies to be held in Toronto on Thursday, 8th April, 1976.

Approved

The Committee had before it a list of 387 candidates who had successfully completed the Seventeenth Bar Admission Course, filed the necessary documents and paid the required fee of $210 and who applied for Call to the Bar and to be granted Certificates of Fitness at the ceremonies to be held in Toronto on Friday, 9th April, 1976.

Approved

The Committee had before it a list of 115 candidates who had successfully completed the Seventeenth Bar Admission Course, filed the necessary documents and paid the required fee of $210 and who applied for Call to the Bar and to be granted Certificates of Fitness at the ceremonies to be held in Ottawa on Monday, 12th April, 1976.

Approved

THE REPORT WAS ADOPTED

APPOINTMENT OF REPRESENTATIVE TO NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE IN CANADA

The Treasurer informed Convocation that he had appointed Mr. *Gordon F. Henderson* to be the Society's representative to the National Council on the Administration of Justice in Canada.

CONVOCATION ADJOURNED FOR LUNCHEON AT 11:30 A.M.

The Treasurer and Benchers had as their guests for luncheon Mr. Maurice F. Strong, President of Petro-Canada; The Honourable W. Z. Estey, Chief Justice of the High Court for Ontario, and Mrs. Estey; His Honour Chief Judge W. E. C. Colter, County and District Courts of Ontario, and Mrs. Colter; and Mr. G. W. Collins-Williams, Director of Legal Education, and Mrs. Collins-Williams.

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre.

CONVOCATION RESUMED AT 2:00 P.M. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the 321 graduates of the Seventeenth Bar Admission Course who had applied to be called on Thursday, 8th April, 1976.

The following Benchers were present:
Messrs. Bowlby, Brulé, Carnwath, Carrier, Common, Farquharson, Furlong, Ground, Kellock, Mrs. Legge, Messrs. Levinter, Maloney, Pepper, Ogilvie, Salhany, Seagram, Sheard, Shibley, Mesdames Sutherland and Tait, and Mr. White.

The body of the auditorium was occupied by the 321 graduates of the Seventeenth Bar Admission Course, their families and friends.

The Treasurer introduced Mr. Maurice F. Strong, President of Petro-Canada, who addressed the graduates.

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G.W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following scholarships and prizes to:

The Law Society Prize for the student standing second: Martin Harold Greenglass

The Lady Reading Club Prize: Dianne Shulman Saxe

The Commercial and Company Law Prize: Owen Vernon Gray

The S. J. Birnbaum, Q.C., Scholarship for Estate Planning, First Prize (tie): Robert Gregory Hatt; John MacGregor Faris

The William Belmont Common, Q.C., Prize for Criminal Procedure for the second highest standing (tie): Barbara Audrey Betcherman; Chester Petrie Gryski; Glenn Alexander Hainey

and congratulated the following who have been given special appointments:

Law Clerks to The Honourable George A. Gale, Chief Justice of Ontario: Richard Henry Shekter; Symon Zucker

A Law Clerk to His Honour Chief Judge William E. C. Colter, Chief Judge of County and District Courts for the Counties and Districts of Ontario: Owen Haw

---

CALL TO THE BAR

Mr. P. B. C. Pepper, Chairman of the Admissions Committee, presented to the Treasurer the 321 candidates for Call to the Bar:

SEVENTEENTH BAR ADMISSION COURSE 1975-76

CANDIDATES FOR CALL TO THE BAR ON THURSDAY, 8TH APRIL, 1976

Cavan Brian Acheson
William Michael Adams
Joseph Agostino
Christer Valdemar Ahlvik
Irwin Aisen
William Vito Alcamo
William John Nasmith Allen
David Russell Allgood
Christopher Ajith Amerasinghe
James Edward Anderson
Serge Anissimoff
Brian Joseph Armstrong
Moses Aronoff
Jane Cecelia Avery
Janice Karen Azoulay
Janice Anne Baker
Jeffery Alan Barnes
Eduardo Manuel Barradas
Margaret Anne Barrett
Jason Randall Barrs
James Trevor Bartram
Eddy Joseph Battiston
Robert Theodore Bauer
Robert John Beckett
Peter Beglaubter
David Brendan Bennett
David Gordon Bent
Karl Garnet Bernhardt
Robert Roy Berry
Barbara Audrey Betcherman
Robert Bruno Blasina
Ian Martin Boundy
DavidWalker Brady
Danny Branoff
David Bruce Braund
Chaim Peter Bredin
Frank Hardy Brown
William Johnson Burden
Lawrence John Burns
Leonas Algimantas Butkus
Frederick Scott Cameron
Annemarie Carere
James Joseph Carpeneto
Robert Bruce Carson
Gordon Rowe Chapman
John Cameron Chapman
Mitchell Chernovsky
Thomas Edward Barton Chown
Richard Edgar Clark
Robert James Clayton
John Richard Collins
James Bernard Comiskey
John Thomas Comstock
Christopher David Leyshon Coveney
Robert Rutherford Cranston
John David Crowe
Rodney Herbert Crown
Ernest Nicholas Johann Csiszar
Gary Wayne Curran
Joseph Dallal
Walker Robert Dalzell
Howard Arthur David
Abraham Barry Davis
Douglas Norman Deeth
Pasqualino Di Monte
Michael Anthony Di Paolo
David George Doney
David William Drinkwater
Kenneth Paul Duffy
Edwin Zachary Durbin
Stanley Bruce Durno
Geoffrey John Rollins Dyer
Michael Eisenstein
Richard John Elbirt
Peter John Elliott
Robert Douglas Ellwood
Hilde Maria English
Floyd Earl Evenson
John MacGregor Faris
Ernest Peter Farmer
Peter Louis Ferraro
Jonathan Howard Fine
William Fisch

Roy Alan Fisher
Gary Earl Flaxbard
David Malcolm Florence
Barry Abraham Fox
Donald Gordon Fraser
Allan Murray Freedman
Joseph Fried
Vernon Mark Frolick
Nicholas William Fursman
Arie Gaertner
Gregory James Gaglione
Paul Alexander Gavrel
John Desmond Gibson
Larry Hargrave Gilbertson
Randolph James Gillen
Larry Neil Ginsler
Edmund Lewis Glinert
William John Gludish
Elizabeth Anne Godfrey
Herschel Gold
Calvin Sheldon Goldman
Sheldon Goodman
Henry Stephen Goody
Douglas Alan Goslin
Gregory Douglas Goulin
James Earl Robert Gray
Owen Vernon Gray
David Philip Greenblatt
Martin Harold Greenglass
Peter Douglas Griffiths
Carey Howard Grosberg
Chester Petrie Gryski
Paula Gubner
John Matthew Paul Guoba
David Hager
Glenn Alexander Hainey
William Howard Hamilton
William David Harrow
Dallace Jane Harvey
James Richard Hassell
Robert Gregory Hatt
Mary Jane Hatton
Owen Haw
Michael Fay Head
Paul Robert Heath
Gary Scott Hendin
Michael John Herman
Enid Gold Hildebrand
Robert James Howe
Peter Hryn
Kenneth George Hughes
Gordon Hune
Bradley John Charles Huxtable
Arthur Blair Inch
Brian James Inglis
Robert Grant Inglis
Alan Parkhouse Ingram
Thomas Edward Ireson
Claude Vincent Robert Isaacksz
John Andrew Iwasykiw
David John Jackson
Marilyn Elizabeth Jackson
Stanley Howard Jackson
Donald James Jacobi
Vibert Aynsley Jacques
Sadrudin Jaffer
Paul Arthur Messecar James
Moeen Mahmood Ahmad Janjua
Robert Steven Johns
Gordon Roger Johnson
David Owen Jones
Alexander Jovanovich
Heinz Martin Hugo Jurgeit
Ronald Morley Kanter
Chris Kapches
James Gregory Karas
John Aram Kazanjian
Joseph Frank Kazdan
Harry Gordon Keenan
William Brian Keevil
William James Keilty
William David Kennedy
Paul James Peter Kilby
Julius Paul Kiss
Irwin Abe Koziebrocki
Timothy John Kreutzer
John Francis La Berge
John Charles Lancaster
Marion Elizabeth Lane
Michael Stacey Lazarus
Jennifer Isabel Lederman
Lewis Thompson Lederman

Colin Duncan Leitch
Barry Allen Leon
Robert Stuart Leschied
Douglas Alan Little
John David Little
Judythe Patricia Little
Benedict Joseph Horace Lopes
Melvyn Lubek
Ronald Eric Lund
Richard Owen MacDowell
John Stephen Macera
Craig Bryn MacFarlane
Ian Simpson MacGregor
Paul Kimball MacInnis
Alan Douglas MacKinnon
George Samuel Majic
Stephen John Marano
Ronald Edward Martens
John Jamieson Kabel Martin
Michael Harry Mason
Donald Fraser McCrae
Evlyn Louise McGivney
Richard Alexander McGrath
Gary Allan McKay
Patrick Paul McLaughlin
Ronald Charles McLean
Peter-Eugene Melnychuk
Alan Bernard Mervin
Robert Gordon Millson
Douglas Joel Millstone
Karen Doreen Mitchell
Ronald Jay Molson
Robert Frederick Morningstar
Saul Morris
Donald Kenneth Morrison
Marie Bernetta Moser
Sharon Mary Murphy
Brett Douglas Murray
Corinne Frances Murray
Eric Nadler
David Reinhold Nash
Brian Solomon Nichols
Douglas Keith Spence Noble
John Allen Nugent
Steven Offer
Perry Sydney Walter Oram
Michael Francis O'Toole
Steven Foster Peleshok
William Eugene Pepall
Paul Marvin Perell
Nils Peterson
Linda Winifred Pittaway
Martin Jacob Pivnick
Lorne Chisholm Plater
David George Price
Leah Price
Stephen Martin Price
Ronald Brent Raby
Edward Maurice Donald Read
Geoffrey Michael Read
Arnold Recht
Rosemary Barbara Regan
Paul Henry Reinhardt
Arn Chaim Joseph Reisler
Robert Owen Richardson
Shelley Jane Robb
Thomas Joseph Rocchi
James William Rose
William Brian Rose
Harry Rosenbaum
David Richard Rothwell
Frederic David Rounthwaite
George Alexander Rudnik
Larry Martin Rumack
Tamarin Malda Sagel
Timothy David Salomaa
Dianne Shulman Saxe
Brigitte Schemmer
Douglas Stewart Scott
Gilbert Stanley Sharpe
David John Sharpless
Ian Paul Shaw
Richard Henry Shekter
Marta Pauline Sherk
Wayne Norman Shipley
Donald Charles Simmons
John Janos Simon
Victor Wilfred Slater
John George Smart
Glenn Allan Smith
Mary Michele Smith
Brian Howard Somer

Barry Sholem Sonshine
Detlef Soth
Jonathan David Speigel
Steve Joseph Stefanko
Peter Christopher Stein
Roy Edward Stephenson
Edmund John Stevens
Joseph Stanley Stewart
Norman John Stewart
James Alexander Douglas Stiles
Jack Michael Straitman
George Russell Strathy
Colin Stevenson Struthers
Paul James Sullivan
Karen Michelle Swenarchuk
Barclay-Jane Virginia Taylor
Charles Richard Taylor
Alan Edward Tessmer
Laird Kent Thomas
John Edward Thompson
Sandra Lee Thompson
Dorothy Elizabeth Thoms
Michael Kemp Titherington
Mary Lynn Tomlinson
Alvin Henry Torbin
Errol Warwick Anthony Townshend
Alan Disbrowe Treleaven
Peter John Trousdale
James Ernest Armstrong Turner
Howard David Ungerman
Gary Franklin Valcour
Robert George Bernard Valentine
Berend Van Huizen
Mark Gerard Van Walleghem
Adam Dominic Vereshack
Mark Irwin Wainberg
Guy Anthony Wainwright
Ross William Walker
Thomas William Wappel
David Elliott Waterhouse
Raymond Mark Joseph Werbicki
James Douglas Wickett
Ute Wigley-Mueller
Patricia Jean Williams
Brian John Wilson
Douglas Eric Wilson
Nestor Stefan Wolicki
Harold James Wood
Howard Francis Wood
Judith Margaret Woods
Douglass Walter Wyatt
Samuel Loon-Chun Yang
Symon Zucker
Philip Maurice Zylberberg

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION ADJOURNED AT 3:45 P.M.

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable W. Z. Estey, Chief Justice of the High Court for Ontario, presiding.

Mr. P. B. C. Pepper presented the candidates to the Chief Justice of the High Court before whom they took the usual oaths and acknowledged their signatures on the rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Lounge.

Read in Convocation and confirmed 23rd April, 1976.

STUART THOM
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED—Friday, 9th April, 1976
2:00 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests at luncheon Mr. Saul F. Rae, Permanent Representative and Canadian Ambassador to the United Nations, New York, and Mrs. Rae; His Honour Chief Judge W. E. C. Colter, County and District Courts of Ontario, and Mrs. Colter; His Honour Chief Judge F. C. Hayes, Provincial Courts of Ontario (Criminal Division), and Mrs. Hayes; and Mr. G. W. Collins-Williams, Director of Legal Education, and Mrs. Collins-Williams.

Following luncheon the Treasurer, the Benchers and their guests proceeded to the O'Keefe Centre.

CONVOCATION RESUMED AT 2:00 P.M. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the 387 graduates of the Seventeenth Bar Admission Course who had applied to be called on Friday, 9th April, 1976.

The following Benchers were present:

Messrs. Brulé, Carnwath, R. W. Cass, Common, Finlayson, Furlong, W. G. Gray, Ground, Kellock, Mrs. Legge, Messrs. Lochead, Ogilvie, Pepper, Shepherd, Shibley, Mesdames Sutherland and Tait, Messrs. Tobias and Willoughby.

The body of the auditorium was occupied by the 387 graduates of the Seventeenth Bar Admission Course, their families and friends.

The Treasurer introduced Mr. Saul F. Rae, Permanent Representative and Canadian Ambassador to the United Nations, New York, who addressed the graduates.

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following scholarships and prizes to:

The Law Society Prize for the student standing fourth: Robert Blake Howe

The Arthur Wentworth Roebuck Award for Family Law: Paul Garson Vogel

The Criminal Procedure First Prize and the Vera L. Parsons Prize: John Richard Morrissey

The William Belmont Common, Q.C., Prize for Criminal Procedure for the second highest standing (tie): Frank David Peter Carere; David Goldblatt

and congratulated the following who have been given special appointments:

Law Clerks to The Honourable W. Z. Estey, Chief Justice of the High Court of Ontario: Jennifer Kate Bankier; Keith Phillip Brennenstuhl; Frederic Miller Campling; Jane Harriet Devlin; Priscilla Harriet Healy; Mary Marvyn Koenigsberg; Jan-Paul Waldin

Law Clerks to The Honourable George A. Gale, Chief Justice of Ontario: Mary Anne Sanderson; John Robert Varley

A Law Clerk to His Honour Chief Judge William E. C. Colter, Chief Judge of County and District Courts for the Counties and Districts of Ontario: Francis Lewis Reilly

A Law Clerk to His Honour Chief Judge F. C. Hayes, Chief Judge of the Provincial Courts (Criminal Division) for Ontario: Marlene Iza Thomas

---

Call to the Bar

Mr. P. B. C. Pepper, Chairman of the Admissions Committee, presented to the Treasurer the 387 candidates for Call to the Bar:

Seventeenth Bar Admission Course 1975-76

Candidates for Call to the Bar
On Friday, 9th April, 1976

Alan Hershel Ain
James Norman Aitchison
Michael Scott Allen
Lorne Marshal Alter
Christine Ann Anderson
William Roger Angus
Marilyn Sandra Appel
Mary Lou Armour
Robert John Armstrong
Gino Louis Arnone
Harrison Sawle Arrell
William Michael Babij
Kenneth Warren Back
Richard Allin Bailey
Hugh Ross Robert Bain
John Michael Baker
Thomas Bruce Baker
Robert John Michael Ballance
Martin Gerald Banach
Jennifer Kate Bankier
David Joel Barenberg
John Robert Basey
Paul Reno Basso
Paul Frederick Baston
Brian Douglas Batchelar
Timothy Paul Bates
Anita Mary Berecz
Henry Berg
Joseph Robert Bergman
Fraser Reeve Berrill

Linda Louise Bartoldi
William John Bies
Edrea Edith Heather Birk
Douglas Wayne Blair
Ivan Stephen Bloom
Gordon Joseph Zlatko Bobesich
William Arthur Bogart
Linda Susan Bohnen
Aleksandr Bolotenko
Robert Gene Bonham
Fausto Boniferro
Peter Luigi Bortolussi
Deborah Jean Boudreau
William Douglas Bowsher
Andrew James Bradie
Keith Phillip Brennenstuhl
Alan Martin Lauren Bromstein
George Joseph Brophy
Fremont Martin Charles Brown
Melvin Hymie Brown
Susan Catherine Brown
William Allan Brunton
Alan Milton Buchanan
Michael Joseph Campbell
Robert Charles Campbell
Frederic Miller Campling
Gregory Paul Patrick Cancade
Frank David Peter Carere
Gail Patricia Carleton
Paul Hartley Caroline
David George Carr
John Brian Casey
Richard Barry Caskie
David Eugene Clark
Gordon Bruce Clark
Kenneth Jacob Cohen
Michael Alan Cohen
Donald Ralph Colborne
Kenneth Allan Cole
Ottavio Colosimo
Morris Cooper
Richard Allen Cooper
Robert Edgar Corbett
Patrick Robin Corless
Mary Frances Cornish
David Stanley Holt Cree
Michael Charles Crowe
Douglas Colin Crozier
Jeffrey Lloyd Cummings
Verna Evelyn Cuthbert-Kelly
Peter Anthony Daley
Derek Arthur Danielson
Marija Jurate Daniliunas
Lawrence James Darkes
Thomas Charles Dart
Jean Mary DeMarco
David Robert Dempster
Bonnie Esther Turner Derby
Francis Albert De Santis
Jane Harriet Devlin
John Paul Dillon
Ronald Edward Dimock
Richard Allan Dinham
George Michael Dixon
Carl Felix Dombek
Michael Robert Doody
Robert George Doumani
Brian Michael Dourley
Dennis Arthur Dowker
James Edward Patrick Doyle
Duane Donald Drager
Sandra Druck
Stephen Gregory Duggan
Daniel John Dunlop
Steven Craig Dunn
Marlys Anne Edwardh
Jane Elizabeth Egan
John Douglas Ewart
David Alan Fairgrieve
Mary Paula Fecteau
Barbara Lynne Felhaber
Marie Elizabeth Ferguson
Brian Barry Finer
Gerald Lloyd Flannigan
James Clarke Fleming
Kathryn Joan Ford
John Thomas Forrester
Charles Frederick Forster
Wanda Moir Forsythe
Gordon Howard Fox
James Paul Fox
Esther Eva Frank

David John Fraser
Jeffrey Lawrence Froud
Robert Thomas Furlonger
William Sparling Gardner
Jacques Paul Joseph Gauthier
Jean Moenis Paul Ghalioungui
Elizabeth Carol Goldberg
Jeffrey Charles Goldberg
Howard Goldblatt
William John Graham
Thomas Jeffrey Grant
William Handley Gravely
William Brian Gray
Douglas James Green
Lorne David Greenwood
William Hedley Grieves
John Angus Gundry
David Alexander Hain
Donald John Halikowski
Barry Richard Halliwill
Allan Sheldon Halpert
Robert John Hare
David Michael Harley
Priscilla Harriet Healy
Malcolm Layton Heins
John Gerard Herlihy
Philip David Herman
Phillip Adrian Hill
Larry Alexander Hipfner
Peter Michael Hollyoake
Phyllis Virginia Holmes
Carter Calvin Hoppe
Brian Patrick Horgan
Patricia Ann Horsford
William George Horton
Paul Thomas Howard
Robert Blake Howe
John Galbraith Howes
John Andrew Howlett
Stephen John Hunter
James George Ion
Judith Mary Jacob
Frederick Glenn Jones
Kenneth Mitchell Kagan
Martin Raymond Kaplan
Patrick Berchmans Keaney
John Arnold Keefe
Peter Michael Keele
Anthony Thomas Keller
Michael Robert Kestenberg
Donald Gordon Kidd
Donald William Kilpatrick
Robert Lloyd Kindon
William Robert King
Gregory Joseph Kinlin
Frances Patricia Kiteley
Murray Klein
Janet Marie Kline
Mary Marvyn Koenigsberg
Peter Krawec
JoAnn Toby Kurtz
Oleh Stephen Kuzma
Lynda Constance Lamb
Michael Leslie Lamont
Susan Elizabeth Lang
Paul David Larsh
Robert Allan Lash
Steven Nicholas Latinovich
Richard Edwin Lauder
Raymond Francis Royal Leach
Robert Bedford Leckie
Frederick Brian Lee
Jeffrey Martin Leibel
Richard John Lemaich
Kenneth Gordon Lenz
Barry Joseph Lerner
Charles Howard Litman
John Alexander Little
Patricia Lucas
Peter Matthew Lynch
Arthur William Lyon
Peter Michael Macaulay
Brian Kenneth MacDonald
Francis Albert Cunningham Madill
Mark Madras
Allan Paul Mahaffy
Anthony Peter Maika
Asgarali Mohamed Manek
John Douglas Mann
Paul Michael Mann
Stephen Alexander John March
Fredrick Max Eugen Marechaux

Harold James Marin
Ronald Andre Joseph Marion
Elvey Bernard Marshall
David Hugh Martin
Thomas John Matz
Susan Janice McAuley
Stephen Alexander McClyment
Wayne Francis McCormick
Brenda Jane McCourt
Paul David McCutcheon
Roderick Hugh McDowell
Robert John McFarlane
Patrick Lambert McGuire
Linda Marie McKaig
Woodward Bruce McKaig
Robert Ross McKenzie
John Scott McKeown
Mary Catherine McKeown
Hugh Grant McLean
Hugh Roderick McLean
Daniel Joseph McMahon
Sean Vincent McMahon
Ian Stuart McMillan
George Chapman McNeely
Catherine Agness Meanwell
Jonathan Lyon Mendes Miller
Paul Matthews Mingay
Nicholas Minov
Daniel Wiley Monteith
John Richard Morrissey
Cynthia Ruth Moull
Richard Harding Muir
Louis Charles Ignatius Mullins
Kevin Patrick Murphy
Barry Harold Naiberg
Mary Cameron Nethery
Paul Charles Neubauer
Douglas Charles New
Harold Niman
Ian Alexander Norton
Paul Selby O'Brien
Brian Andrew Thomas O'Byrne
Michael Patrick O'Hara
John Gunther Ohler
Noah Kenneth Okell
Alfred Edward Owen
Robert Bruce Graham Palmateer
Leon Palvetzian
Dean Donald Paquette
John Randolph Park
Mark Gordon Fraser Parrott
Mary Elizabeth Patterson
Gary Douglas Peacock
Sydney Patricia Pearson
Stuart Martin Peikes
Ian Ross Pelman
William Thomas Perks
Thomas Patrick Phelan
John Howard Phillips
Jillian Mara Pivnick
Susan Norma Mary Plamondon
Lawrence Keith Porter
Henry Brookes Prewitt
Douglas Arthur Quirt
Brian Michael Radford
James Victor Railton
Mohammed Naeem Rauf
Francis Lewis Reilly
Ronald Ian Reim
Donald Lenard Revell
Robert James Reynolds
Gary David Rich
John Gordon Richardson
Kenneth Harold Richardson
Mary Kathryn MacLeod Robinson
Bertram David Lawlor Rochester
Howard Samuel Roger
Derek Lyndon Rogers
Ian Norman Roher
William Louis Creed Roland
Arnold Rosen
Stephen Aaron Rosen
Marc Rosenberg
Stanley Rosenfarb
Peter Lionel Roy
David Malcolm Russell
Harriet Esther Sachs
Mary Anne Sanderson
Leslie Peter Saperia
Paul Lorne Schnier
Irwin Schwartz
William Ross Scott

James Donald Searle
Angelo Antonio Paolo Serafini
John Bryan Shaughnessy
Gregory James Sheehan
Donald Alexander Richard Sheldon
Brian David Sheldrick
Richard William Shields
Allan Quinney Shipley
Frederick John Shuh
Glen Roy Simpson
Frederick John Skeggs
Franciscus Cornelius Theodorus Thaddeus Smeenk
Brian Cale Smith
David Frederick Smith
George Patrick Smith
Kevin Ian Malcolm Smith
Melvyn Lloyd Solmon
Victor Solomatenko
Lawrence John Soloway
Peter George Somerville
Alexander Sosna
John Charles Spearn
Edward George Spong
David Murray Stainton
John Gregory Starzynski
John Jeffrey Steadman
Francis Gerard Steffler
Larry Charles Stein
Marion Juliet Stendon
John Kenneth Henry Stiff
Paul James Stott
David Stephen Strashin
Ian Bernard Sullivan
Wayne Arthur Summerville
Eric Cornelius Taves
John William Teolis
Marlene Iza Thomas
Alan Gordon Thomson
William James Tidball
Warren William Tobias
George Oleh Tokar
Martin Tweyman
Jerry Benjamin Udell
Fulvio Bruno Valentinis
Victor Louis Vandergust
John Robert Varley
Willem Jan Vermeer
Joseph Virgilio
Paul Garson Vogel
Heinz Peter Von Sengbusch
George Edwin Waddington
Jan-Paul Waldin
Geraldine Fern Waldman
Glenn Colin Walker
Robert James Walker
Shirley Jane Walker
Stewart James Wallace
Thomas Edward Walsh
Gamini Chandrananda Wanigasekera
James Edward Warshawski
Glen Robert Wasyliniuk
Kenneth William Watts
David Arieh Weisman
Edward Julian Keltie Wells
Peter Bernd Wenglowski
Donald Lorne West
Rebecca Louise West
James Daniel Gordon Whitehead
Robert Gordon Whittington
Eugene Francis Williams
Bruce Lloyd Willis
Margaret Dawn Wilson
Mark Winter
Douglas Donald Woltz
Gordon John Wyatt
Judith Claire York
David Stephen Young
Michael Zacks
Martin Kenneth Zeidenberg
Roselyn Zisman
Jack Sheldon Zwicker

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION ADJOURNED AT 3:45 P.M.

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with The Honourable W. Z. Estey, Chief Justice of the High Court for Ontario, presiding.

Mr. P. B. C. Pepper presented the candidates to the Chief Justice of the High Court before whom they took the usual oaths and acknowledged their signatures on the rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the O'Keefe Lounge.

Read in Convocation and confirmed 23rd April, 1976.

STUART THOM
Treasurer

c1

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED—Ottawa, Monday, 12th April, 1976
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests at the Rideau Club in Ottawa for luncheon The Honourable Walter F. Schroeder, retired judge of the Supreme Court of Ontario, and Mrs. Schroeder; The Honourable W. Z. Estey, Chief Justice of the High Court of Justice for Ontario; The Right Honourable J. R. Cartwright and Mrs. Cartwright; The Honourable Mr. Justice W. D. Griffiths, of the High Court of Justice of the Supreme Court of Ontario; Dr. L. Isabelle, President of Algonquin College of Applied Arts and Technology; Mr. G. W. Collins-Williams, Director of Legal Education, and Mrs. Collins-Williams; Mrs. E. Rachael Knox, Assistant to the Director of Legal Education; and Mr. J. Patrick Watson, Assistant Director for the Bar Admission Course, Ottawa.

Following luncheon the Treasurer, the Benchers and their guests proceeded to the National Arts Centre.

CONVOCATION RESUMED AT 2:30 P.M. in the National Arts Centre auditorium for the Call to the Bar ceremonies of the 115 graduates of the Seventeenth Bar Admission Course who had applied to be called on Monday, 12th April, 1976.

For the first time in the Society's history a Special Convocation for Call to the Bar took place in Ottawa and the 115 graduates presenting themselves to be called to the Bar were the members of the first Bar Admission Course to be conducted in Ottawa.

The following Benchers were present:

Messrs. Bowlby, Brulé, Cartwright, R. W. Cass, Chadwick, Fennell, Finlayson, Henderson, Mrs. Legge, Messrs. Maloney, Ogilvie, Mrs. Tait, and Mr. Willoughby.

The body of the auditorium was occupied by the 115 graduates of the Ottawa Section of the Seventeenth Bar Admission Course, their families and friends.

The Treasurer introduced The Honourable Walter F. Schroeder, retired judge of the Supreme Court of Ontario, who addressed the graduates.

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following scholarships and prizes to:

The Treasurer's Medal; The Roland O. Daly Scholarship; The Edwin George Long, K.C., Memorial Scholarship; The McCarthy Income Tax Prize; and The International Academy of Trial Lawyers Prize for Civil Procedure: Donald John Stewart Duncan

The Law Society Prize for the student standing second and The Edwin George Long, K.C., Memorial Scholarship: David Michael Lennox

The S.J. Birnbaum, Q.C., Scholarship for Estate Planning, Third Prize: Edward Gordon Cleland

The William Belmont Common, Q.C., Prize for Criminal Procedure for second highest standing (tie): David Michael Lennox; Janice Barbara Payne

and congratulated the following who has been given a special appointment:

A Law Clerk to The Honourable W. Z. Estey, Chief Justice of the High Court of Ontario: Ian Stuart McLennan

---

CALL TO THE BAR

Mrs. L. L. Legge, Vice-Chairman of the Admissions Committee, presented to the Treasurer the 115 candidates for Call to the Bar:

SEVENTEENTH BAR ADMISSION COURSE 1975-76

CANDIDATES FOR CALL TO THE BAR
ON MONDAY, 12TH APRIL, 1976

Peter Ralph Adams
Sharon Louise Anderson
Malcolm Roy Andrew
Stephen Fraser Ault
Peter Bradshaw Barley
Margaret Anne Barrett
Norman Grant Bayne
Heather Helen Black
William McHarg Bone
Phillip David Bretzloff
Peter Francis Burnet
David Byer
James Desmond Byrne
Gary John Chaplin
Michel Zenophile Charbonneau
David Lorne Edwin Charles
James Roderick Chisholm
Edward Gordon Cleland
Alan Keith Cohen
Paul Herbert Coulson
Kenneth Harvey Cramer
John Hopkins Deacon
Robert Patrick Desbarats
Ronald Lawrence Doering
Donald John Stewart Duncan
Franklin David Tanner Elton
Robert Howell Evans
Hugo Deane Ewart
Joseph Fantl
Irving Israel Farber
Alan Irwin Fenster
David Robert Findlay
Gordon Faulconer Gauthier
Robert Henry Girard

Murray Bryant Gorham
John Denys Goss
Lionel Edward Goulet
Richard Walter Graw
Gordon Bryan Greenwood
Ronald George Guertin
David Richard Habib
John Kristian Hansen
Burkhard Richard Alfred Heder
Werner Wilhelm Heiss
Judith Ellen Ross Hendin
Lawrence Louis Herman
Barbara Joan Hough
William Thomas Houston
David John Joseph Hughes
Peter Richard Hughes
Henry Gerard Intven
Maureen Frances Irish
Grant Allen Jameson
John William Robert Johnston
Michel Louis Jutras
Lawrence Patrick Kelly
James Murray Kierans
Mark Raphael Krasnick
Paul Clement LaBarge
Barry David Laushway
Jeffrey Clark Lawrence
David Michael Lennox
Herbert Alexander Patrick Little
Roy Duncan Macgillivray
Bruce Wingate Mann
Joseph Markey
John Frederick Martin
John Thomas McCarthy
John Lionel McCauley
Ronald Edwin McCloskey
Daniel Lloyd McClurg
Brian John McCulloch
Alan McGarvie
Jack Bennett McKenna
Robert William McKinley
Ian Stuart McLennan
Bradley Thomas McManus
John Joseph McNab
Charles Louis Merovitz
Terrence Jude Moloney
Robert Charles Morrow
Richard Gerard Mosley
Richard Lorne Mount
Jerry John Thomas Nagle
Elinor Colleen O'Shea
Janice Barbara Payne
Charles Gordon Pearson
Larry Douglas Peterson
Patricia Jean Peterson
Sydney Grant Radley-Walters
Jean Marc Raymond
Durward Dalton Graham Reynolds
Murray Willard Rielly
Thomas Earl Roche
David Mallory Ross
Etienne Alibert Saint-Aubin
Joseph James John St. Michael
William Joseph Sammon
John Ambrose Scollin
Denis Joseph Emilien Scott
Michael David Segal
Mir Muhammed Shaikh
Bruce Francis Simpson
Garry Willard Stevenson
David Alexander Stout
Ernest George Tannis
Trevor Trott
David Reid Van Dine
David Stanley Vinokur
Charles Gaylord Watkins
Karin Betty Wells
Bernice Leslie Wilkinson
John Charles Arthur Wilson
Peter Herbert Winn
Charles Samit Wiseman

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION THEN ROSE AT 4:00 P.M.

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in the National Arts Centre with The Honourable W. Z. Estey, Chief Justice of the High Court for Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of the High Court before whom they took the usual oaths and acknowledged their signatures on the rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers.

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the Main Foyer of the National Arts Centre.

Read in Convocation and confirmed 23rd April, 1976.

STUART THOM
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 23rd April, 1976
10:00 a.m.

PRESENT:

The Treasurer (Mr. Stuart Thom) and Messrs. Brulé, Carnwath, Carrier, Carthy, Cartwright, Cass, Chadwick, Common, Cooper, Evans, Fennell, Finlayson, Furlong, Goodman, R. J. S. Gray, W. G. Gray, Ground, Henderson, Humphrey, Kellock, Mrs. Legge, Messrs. Levinter, Linden, Lochead, O'Brien, Ogilvie, Pallett, Seagram, Sheard, Shibley, Mrs. Sutherland, Mrs. Tait, Messrs. Tobias, White, Williston, Willoughby, Wilson and Zahoruk.

MINUTES

The Minutes of Convocation of 19th March, 1976 and of the Special Convocation for Call to the Bar of 8th, 9th and 12th April, 1976 were read and confirmed.

NOMINATIONS FOR TREASURER

The Treasurer informed Convocation that the Secretary had received three nominations for the office of Treasurer. The Secretary read the nominations as follows: Mr. John D. Bowlby, Hamilton; Mr. W. Gibson Gray, Toronto; and Mr. Gordon F. Henderson, Ottawa.

SPECIAL COMMITTEE ON CONVOCATION AND ELECTION OF BENCHERS

The Secretary presented the Report of the Special Committee on Convocation and Election of Benchers of its meeting on Thursday, 22nd April, 1976.

The following members were present: Messrs. W. B. Common, Chairman, Finlayson, Ground, Ogilvie and Tobias.

Three candidates have been nominated for the office of Treasurer and the Committee was asked to recommend the best method of conducting the election.

The Committee concluded that it was desirable that all eligible Benchers should be enabled to cast their votes whether or not they are able to attend Convocation in May. A total of 54 Benchers are entitled to vote, the 40 elected Benchers, four appointed Benchers, three ex-Treasurers who are under the age of 75 and seven who became Benchers by virtue of holding the office of Attorney General for Ontario.

The Committee also considered it desirable that the candidate who is elected Treasurer receive a majority of the votes cast. Having considered various ways in which these two objectives can be reached the Committee recommended that the election be conducted by means of a mail ballot on which eligible voters will indicate a single choice. If on the first ballot no candidate receives 50% or more of the votes cast (including defective ballots for the purpose of determining the number of votes cast), then a further ballot will be prepared leaving off the name of the candidate who received fewest votes on the first ballot.

It is, therefore, recommended that the Secretary send the first ballot by mail to every eligible voter as soon as possible and that the members be required to return their marked ballots to the Secretary's office by 4:30 p.m. Friday, May 7th and that the Secretary and the Chairman of this Committee then open and count the votes. If necessary the Secretary is then to prepare a second ballot and send it by mail to all eligible voters who will mark their ballots and return them to the Secretary's office by 4:30 p.m. Thursday, May 20th. The Secretary and the Chairman of this Committee are then to open and count the second ballots and whether the election is decided by one or two ballots the result is to be announced to Convocation by the Secretary as the first order of business at the regular Convocation on Friday, May 21st.

The Committee recommends that the voting be by secret ballot and that to accomplish this each voter be supplied with the appropriate ballot paper, an envelope marked "Ballot" in which to enclose it and a second envelope addressed to the Secretary in which to enclose the first envelope and the ballot, the second envelope to bear a number and a space for the voter's name. When the voting envelopes are received by the Secretary, the names are to be checked off the voters' list, then the outer envelopes discarded and the inner envelopes containing the ballots mixed together, then opened and the votes counted. In the event of a tie vote on either the first or the second ballot, the whole election will be referred to the regular May Convocation and a Treasurer will be elected by the eligible voters present.

The Committee's recommendations are in two respects contrary to the recommendations respecting Treasurers' elections which Convocation adopted in October, 1972. The Committee's recommendation will make it mandatory for candidates for the office of Treasurer to accept their nominations or give notice of withdrawal forthwith so that the first ballot can be mailed promptly. Also, it will, in accordance with the present recommendation, not be necessary, nor possible, for formal motions for the nomination of Treasurer to be made at the regular May Convocation.

It was moved and seconded, that the Report of the Special Committee be adopted.

Carried

It was moved and seconded that the election of the Treasurer be done by preferential ballot, that is, by a single transferable vote.

Lost

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON RULING 35 OF THE PROFESSIONAL CONDUCT HANDBOOK

The Report of the Special Committee on Ruling 35 dated 8th January, 1976 which was not reached at Convocation on 16th January, 1976 and which was subsequently stood over by Convocation in February and March was again on the agenda.

Convocation agreed to defer consideration of the Report to the June Convocation.

LEGAL EDUCATION COMMITTEE–Mr. Finlayson

Mr. G. D. Finlayson, Chairman, presented the Report of the Legal Education Committee of its meeting on 8th April, 1976.

The following members were present: Mr. G. D. Finlayson, Chairman, Mr. J. D. Ground, Vice-Chairman, and Messrs. Brulé, R. J. Gray, Kellock, Salhany, Shibley and Mrs. Tait.

BAR ADMISSION COURSE APPEALS UNDER SECTION 27 (4)

Petitions by way of appeal have been filed under section 27 (4) of The Law Society Act by student members who failed the 1975-76 teaching term of the Bar Admission Course. The Committee was requested to appoint a committee to hear these appeals and to fix the date, time and place for such hearing.

The Committee appointed Mr. J. D. Ground to be Chairman of a meeting of all members of this Committee to consider and report on the appeals.

BAR ADMISSION COURSE– ARTICLING PERIOD

The Committee had before it two applications for permission to vary the articling requirements. One applicant wished permission to include a period of employment with the Tax Litigation Section of the Department of Justice in Ottawa as part of the articling period and the other applicant sought permission to serve the articling period from January 1976 to January 1977 and enter the teaching term in September 1977. Both applications were approved.

BAR ADMISSION COURSE– TEACHING TERM

The Committee considered applications from two students for permission to defer entering the teaching term of the Bar Admission Course until September 1977 to enable them to accept teaching positions, one as a lecturer at Osgoode Hall Law School of York University and the other as lecturer on the Faculty of Law, Common Law Section, University of Ottawa. Both applications were approved.

THE REPORT WAS ADOPTED

Mr. Finlayson presented the Report of the Legal Education Committee of its meeting on 15th April, 1976.

The following members were present: Mr. G. D. Finlayson, Chairman, Mr. J. D. Ground, Vice-Chairman, and Messrs. Brulé, Carthy and Mrs. Tait.

BAR ADMISSION COURSE– EXAMINATIONS

The Report of the Director respecting Bar Admission Course examinations was before the Committee. It is proposed that the method of examining students in the Bar Admission Course revert from multiple choice examinations to examination questions requiring answers in writing in essay form or in other written form required by the question and that a board of examiners be established to read, grade and mark each examination and that such examiners be paid honoraria not exceeding a total of $100,000 in any teaching term.

In the light of practical difficulties now foreseen in obtaining personnel to work examinations, the Committee did not recommend approval of the proposal as presented but recommended that it be referred for consideration to the Sub-Committee of the Legal Education Committee to Review the Bar Admission Course and that, meanwhile, recognizing the failings of the multiple choice system of examining, the Director be authorized to make as much use as is practicable of essay type examinations, the resulting increase in cost to be subject to approval by this Committee for inclusion in the Committee's estimates for the forthcoming year.

BAR ADMISSION COURSE— FINANCIAL SUMMARY 1973/74 TO 1976/77

In response to questions raised at the Committee's meeting on 11th March, 1976 the Finance Administrator prepared a summary of the financial picture of the Bar Admission Course over a four-year period.

For 1973/74 the deficit of $126,273 was applied to the General Fund and, in fact, was met out of members annual fees. For 1974/75 the deficit was $131,212, for which a grant was received from The Law Foundation of Ontario.

The budgeted deficit for 1975/76 is $395,521 but, in fact, will likely be considerably less and will be met out of grants received or to be received from The Law Foundation of Ontario.

The provisional figures indicate a deficit of $625,486 for 1976/77.

Noted

BAR ADMISSION COURSE— APPEALS UNDER SECTION 27 (4)

It is recommended that these appeals be heard on Thursday, 6th May, 1976.

INTERIM REPORT OF THE SUB-COMMITTEE TO REVIEW THE BAR ADMISSION COURSE

The Committee recommended that the Sub-Committee be authorized to expend up to $5,000 to circulate an Occasional Report for the purpose of eliciting the views of the profession as a whole.

CONTINUING EDUCATION— ADVOCACY IN LITIGATION, JULY 1976

This extended course in civil litigation will be presented in Toronto during the period Monday 5th July, to Friday, 9th July, 1976. Representations have been made on behalf of the Advocates' Society with respect to this programme and Mr. P. B. C. Pepper, the President of that Society, has been invited to attend to discuss the matter with the Committee.

CONTINUING EDUCATION— MARCH SPECIAL LECTURE SERIES

The 1976 March Special Lecture Series on Employment Law was presented on 5th, 6th, 12th and 13th March, 1976, under the Chairmanship of Mr. G. D. Finlayson, assisted by the planning committee composed of Messrs. J. D. Ground, Marvin A. Catzman, Raymond Koskie and Warren K. Winkler. There were 134 registrants. The texts of the several lectures delivered during the programme were printed and distributed to the registrants in two volumes. The lectures will subsequently be printed in hard cover by Richard De Boo Limited. Six audiocassettes have been produced in selected subjects given in the programme.

The Committee recommended that Mr. J. D. Ground be the Chairman of the March 1977 Special Lecture Series.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE–Mr. Pepper

Mrs. L. L. Legge, Vice-Chairman, presented the Report of the Admissions Committee of its meeting on 8th April, 1976.

The following members were present: Mr. P. B. C. Pepper, Chairman, Mrs. L. L. Legge, Vice-Chairman, and Messrs. R. J. Gray, Sheard, White and Mrs. Sutherland.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Seven candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied under Regulation 26 (5) for admission to the Bar Admission Course as of 1st September, 1975.

Approved

DIRECT TRANSFER

The Committee considered an application for direct transfer to practise in Ontario from a New Brunswick solicitor, formerly a full-time member of the Faculty of Law, University of New Brunswick, who has accepted a position on the Faculty of Law, University of Windsor. His practising experience was that of a legal consultant with respect to constitutional and law reform matters, legislative drafting and matters involving administrative tribunals. He sought to proceed under Regulation 4 (1).

The Committee recommended that he be advised that he does not qualify to proceed under Regulation 4 (1) because he lacks the requisite period of active practice.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE–Mr. Shepherd

Mr. W. G. Gray presented the Report of the Finance Committee of its meeting on 9th April, 1976.

The following members were present: Messrs. Shepherd (Chairman), W. G. Gray, Goodman, Ground, Henderson and Ogilvie.

Rolls and Records

Appointment to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society was placed in abeyance upon his assuming office:

Sydney Lewis Robins, Q.C., Toronto	Called–18 September 1947 Appointed Judge, S.C.O., High Court of Justice–26 March 1976; (sworn 6th April 1976)

Noted

Deaths

The following members have died:

Frederick Ernest Underhill, Q.C., London	Called–19 September 1940 Deceased–11 March 1976
Boris Jaroslav Sorokiwsky, Toronto	Called–26 March 1965 Deceased–14 March 1976
Andrew Beauchamp MacIntosh Bell, Ottawa	Called–16 June 1938 Deceased–3 March 1976
Alexander McLean Haig, Belleville	Called–15 September 1927 Deceased–13 December 1975

Noted

Disbarment

The following former member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Walter Pidlubny, Woodstock	Called–24 June 1954 Disbarred–Convocation 19 March 1976

Noted

Membership Under Rule 50–Retired Members

At its February meeting, the Committee had before it the application of *John McDermott Coutts* to continue his membership in the Society as a retired member at an annual fee of $25. The Committee deferred its decision pending receipt of further information as to the solicitor's retirement.

Mr. Coutts's application and his letter of 4th March, 1976 were before the Committee.

Approved

RESIGNATIONS

Joseph Francis Lemieux, Q.C., was called to the Bar in 1932. Since February of this year he has been incapacitated as the result of a stroke. His wife has written on his behalf requesting that he be permitted to resign his membership in the Society and that the requirement of publication in the Ontario Reports be waived.

Approved

Joseph Corti Boland, Q.C., was called to the Bar in 1940. He has been in a nursing home for some time and will most certainly never resume the practice of law. He has requested permission to resign his membership in the Society and that he not be required to publish the requisite notice in the Ontario Reports.

Approved

CHANGE OF NAME

By Order of His Honour Judge Grossberg, dated 24th February, 1976, the name of *Randy Barrs*, a student member, was changed to *Jason Randall* Barrs. A copy of the Court Order and Mr. Barrs' petition were received in the Secretary's office in time for him to be called to the Bar on 8th April, 1976 under his new name. Because the petition could not be considered by the Committee prior to the date of call, the Chairman of the Committee approved the change of name and the matter was before the Committee for ratification of this approval.

Approved

Leslie Anne Morris, a student member, requested that her name be changed on the Rolls of the Society to Leslie Anne *Ault*, her married name.

Approved

Christine Ellen Hart Carroll, a solicitor practising in Toronto, requested that her name be changed on the Rolls of the Society to Christine Ellen *Hart*, her maiden name.

Approved

ARREARS OF ANNUAL FEES 1975/76

Under Section 36 of The Law Society Act, if a member fails to pay any fee or levy payable by him to the Society within four months of the date on which payment is due, he is liable for suspension for non-payment. The annual fee for 1975/76 was due on November 30th, 1975. Reminder notices were sent, the last of these being mailed on March 24th, 1976.

It is recommended that those members who are still in arrears on April 22nd, 1976, be suspended on May 3rd, 1976, for a period of one year and from year to year thereafter or until their arrears of fees are paid.

APPOINTMENT OF SALARIES SUB-COMMITTEE

The Salaries Sub-Committee appointed in 1975 consisted of Messrs. Shepherd (Chairman), Cartwright, Pallett and Pepper. The Committee was asked to appoint a member of this Committee to replace Mr. Cartwright.

The Committee appointed Mr. Ground to the Salaries Sub-Committee.

COMPUTER

Approximately 80% of members have returned the Member's Record Form as requested for the computer. The Committee recommends that the next Communiqué include a reminder to members who have not done so to return the form.

LAW SOCIETY PENSION PLAN

It is necessary to amend the text of the Law Society Pension Plan to eliminate a difference in the conditions applicable to new male and female employees. The change makes it *compulsory* for all new employees to join the plan when they have completed one year of service and attained age 30. It is *optional* for employees who have completed one year's service to join before the age of 30.

It is also necessary to amend Section 16, which deals with the future of the plan. Under this Section the Society reserves the right to amend, suspend or discontinue the plan. The Department of National Revenue requires elimination of the right to suspend.

The Committee approved wording to cover all of the changes.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing those law associations which have sent in their Annual Returns for 1975 and setting out the amounts of the grants to which they appear to be entitled under the Rules in 1975 and 1976, and reporting that due to a typographical error an adjustment in the amount of the 1975 grant to one county was necessary.

Approved subject to the approval of the Libraries and Reporting Committee.

THE REPORT WAS ADOPTED

MOTION TO SUSPEND—
ARREARS OF ANNUAL FEES 1975/76

It was moved, seconded and *carried* that those barristers and solicitors whose annual fees were still in arrears on 30th April, 1976, be suspended from practice on 3rd May, 1976, for a period of one year and from year to year thereafter or until their arrears of fees were paid. Of the 37 members whose names were before Convocation, 29 were suspended on 3rd May, 1976. Fourteen were subsequently reinstated and the following 15 are still suspended:

David Joseph Botelho, Toronto
John Gordon Farr, Toronto
Norman Greenberg, New York, N.Y.
Robert Craig Headrick, Ottawa
Charles F. Jenkinson, England
Peter Grant Kennedy, Toronto
Mrs. Tanya Ann Esih Kennedy, Hamilton
William Russell Kennedy, Nova Scotia
Mrs. Jean Lynn Klingensmith, California
Mrs. Yvonne Adele Apperley Liljefors, British Columbia
Francis Ambrose O'Connell, Alberta
David Robert King Rose, Toronto
Mrs. Anne Carole Thom, Ottawa
Peter David Ticktin, Toronto
Gerald Michael Weaver, Ottawa

LEGAL AID COMMITTEE—Mr. Bowlby

Mr. J. B. Chadwick presented the Report of the Legal Aid Committee of its meeting on 7th April, 1976.

The following members were present: John D. Bowlby, Chairman, and Messrs. Cass, Fairbairn, Ferrier, Mrs. Fleming, Messrs. Gilchrist, Harris, Mrs. Jarmain, Messrs. Jones, Lamb, Leitch, Levinter and Lewis.

REPORT OF THE DEPUTY DIRECTOR

(a) *Finance*

The Legal Aid Plan's budget for 1975/76 has been revised to take into account the additional monies received from the Treasury of Ontario ($1.4 million) and from the Law Foundation ($3.2 million).

For the eleven month period ended February 29, 1976, the Legal Aid Fund has expended a total of $589,000 in excess of that revised budget. The details are as follows:

		$	$
	Fees and Disbursements		
	Criminal	446,000	
	Civil	249,000	
	Legal Advice	14,000	709,000
	Area Office Costs		62,000
			771,000
Deduct:	*Items under budget*		
	Duty Counsel payments	34,000	
	Administrative costs	81,000	
	Funding of Community Legal Service Groups	49,000	164,000
			607,000
Deduct:	*Income received in excess of budget*		
	Client contributions and costs recovered	13,000	
	Miscellaneous income	5,000	18,000
			589,000

As pointed out at the Legal Aid Committee meeting in March, the budget for the year will be forced into balance by withholding payment of solicitors' accounts.

(b) *Statistics*

The following table compares actual Legal Aid activity for the 11-month period ended February 29, 1976, with activity for last year and the target for this current year.

	Actual 11 months to Feb. 28/75	*Actual 11 months to Feb. 29/76*	*Target 11 months to Feb. 29/76*	*% increase over last year*	*% increase over Target*
Informal applicants	60,280	85,819	70,900	42.3	21.0
Applications for certificates	85,013	97,681	92,000	14.9	6.1
Certificates issued	66,358	79,086	74,700	19.1	5.8
Persons assisted by Duty Counsel	113,928	135,960	128,000	19.3	6.2

Report of the Legal Accounts Officer for the Months of February and March

(a) *Activity*

	Dec.	*Jan.*	*Feb.*	*March*
Accounts on hand at the beginning of the month	4160	5641	5130	5657
Accounts received during month	5355	5350	5630	6241
Total accounts to be processed	9515	10991	10760	11871
Less A.O. Files cancelled during month	27	26	39	380
Less Accounts processed during month	3847	5835	5064	6404
Balance on hand at month end	5641	5130	5657	5087

The above figures do not reflect accounts for Interim Disbursements and Supplementary Payments.

(b) *Reviews and Appeals*

Reviews	*Dec.*	*Jan.*	*Feb.*	*March*
Reviews on hand	80	72	105	222
Reviews received in	77	115	154	75
	157	187	259	297
Settlements reviewed	55	52	84	142
Settlements awaiting review	69	81	154	137
Settlements awaiting further information	33	54	21	18
	157	187	259	297

Appeals				
Appeals to Taxing Master received during February	–	1	–	–
Appeals heard by Taxing Master	2	1	1	1
Appeals pending at the end of the month	5	3	1	–
Appeals abandoned	–	–	–	–

Finite Budget

A Special Convocation held March 10th, 1976, considered a speech made by the Attorney General for Ontario wherein he stated that the Legal Aid Plan would in future have to be funded by a finite budget. Convocation adopted the Legal Aid Committee's recommendations that the Society should advise the Attorney General of its readiness to assist in implementing the Government's decision to control the cost of Legal Aid.

Meetings have been held in an attempt to explore areas in which costs can be reduced. Groups of Area Directors have been consulted, meetings have taken place with senior administrative staff, judicial representatives of the Provincial, County and Supreme Courts and the Family Law Section of the Ontario Section of the Canadian Bar Association, Department of Justice and the Attorney General's Department. As a result of these meetings an attempt was made to give the Government the best advice on how and in what areas savings can be made and by what methods the administration can be organized to operate effectively within a finite budget.

NON-DISCLOSURE OF INFORMATION

Section 25 of the Legal Aid Act reads as follows:

> "Section 25 All communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications."

Section 137 of the Legal Aid Regulation reads as follows:

> "137–No information furnished by or about an applicant for or recipient of legal aid or the fact that a client is receiving legal aid shall be disclosed other than as may be necessary for the proper performance by any person of his functions under the Act and this Regulation."

In April, 1975, Convocation recommended that the said Section 25 of the Legal Aid Act be amended as follows:

> "Section 25 (a) Subject to subsection (b) of this Section, all communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, and any employee of the Legal Aid Plan or the Department of Community and Social Services, on the one hand, and an applicant for a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications.
>
> (b) The following shall not be privileged:
>
> i. The fact that a person has applied for or been granted a Legal Aid Certificate;
>
> ii. The point which an application for a Certificate has reached in the administrative process."

In April, 1975, Convocation also recommended that Section 137 of the Legal Aid Regulation be amended as follows:

> "Section 137 (a) Subject to subsection (b) of this Section, no information furnished by or about an applicant for, or a recip-

ient of legal aid shall be disclosed other than as may be necessary for the proper performance by any person of his functions under the Act and Regulation.

(b) The following information may be disclosed:

   i. The fact that a person has applied for or been granted a Legal Aid Certificate;
   ii. The point which an application for a Certificate has reached in the administrative process."

John D. Bowlby, Chairman, wrote the Attorney General on March 5th, 1976, pointing out that the said amendments had been brought to the attention of the former Attorney General, The Honourable John T. Clement, and that Mr. Clement had agreed that the amendments should be proceeded with.

On March 12th, 1976, The Honourable R. Roy McMurty wrote to John D. Bowlby regarding proposed amendments to The Legal Aid Act to repeal the non-disclosure provisions, stating:

> "While there is agreement in principle as to this particular measure, I would prefer not to open up the Legal Aid Act at this time or at least until the government has made an overall decision as to the general direction which it will take in relation to the entire question of legal aid.
>
> Although this consideration would apply to the proposed amendment to Section 25 of the Act, it would not apply to the proposed amendment to Section 137 of the regulations, which could of course be amended without legislation.
>
> I would appreciate your views as to whether your objective could be achieved by leaving Section 25 of the Act the way it is and by amending Section 137 of the regulations in the direction which you propose. It seems to me that to leave Section 25 in its present form would not interfere with the operation of the proposed amendments to the regulations. Although Section 25 prohibits the disclosure of the contents of certain communications, it does not appear to prevent disclosure of the result of those communications and particularly the matters referred to in Section 137 (b) of the proposed regulation. I would be grateful of your views on this matter."

After review, the Committee agreed with the Attorney General's suggestion that the desired result can be achieved by leaving Section 25 of the Act the way it is, and by amending Section 137 of the Regulation as approved by Convocation in April, 1975.

LAY REPRESENTATIVE—LEGAL AID COMMITTEE

Due to overwhelming business pressure Mr. Anthony Barrett, Executive Director of The Canadian Environmental Law Association, and a lay representative of the Legal Aid Committee, tendered his resignation as a member of the Committee to John D. Bowlby, Chairman, on March 8th, 1976.

The Committee now recommended that the Director correspond with the Attorney General, notifying him that the Legal Aid Committee would be glad to receive his nominee to replace Mr. Anthony Barrett as a lay representative.

AREA COMMITTEES

Section 4 (1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

The Committee recommended the following be appointed a member of the Area Committee in:

Brant County

Marvin B. Daboll, Solicitor, Brantford

Essex County

Miss Susan Kaufman, Law Student, University of Windsor

Muskoka District

Thomas M. Wood, Solicitor, Bracebridge
Frank Henry, Hospital Administrator, Bracebridge

Simcoe County

Ross Elmer Hughes, Sheriff, Barrie

Leeds & Grenville Counties

John A. Patterson, C.L.U., Life Insurance Representative, Brockville
William J. Packard, General Insurance Agent, Brockville

Resignations:

Essex County

Bernard Cohn, Solicitor, Windsor

Manitoulin & Sudbury Districts

Ralph Connor, Sudbury

Muskoka District

Don Fink, Gravenhurst

Simcoe County

W. J. Canning, Probation Services, Barrie

Temiskaming District

Bruce A. Clark, Solicitor, Haileybury

THE REPORT WAS ADOPTED

It was moved and seconded that the Society's position with respect to the limitations being placed on the funding of Legal Aid be made plain in a resolution of Convocation and referred to in the Communiqué.

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

The Treasurer and Benchers had as their guests at luncheon The Honourable Mr. Justice Gerald LeDain of the Federal Court of Canada, Court of Appeal, and The Honourable John P. MacBeth, Provincial Secretary for Justice and Solicitor General of Ontario.

CONVOCATION RESUMED AT 2:30 P.M., A QUORUM BEING PRESENT

LEGAL AID COMMITTEE–(Continued)

Convocation resumed consideration of the motion before it.

It was moved, seconded and *carried* that the Communiqué contain the substance of the letter of 14th April, 1976 to the Attorney General for Ontario from the Secretary.

The first motion was *not put*.

The Secretary's letter reads as follows:

April 14th, 1976

The Honourable R. Roy McMurtry, Q. C.,
Attorney General for the Province of Ontario,
18 King St. East,
Toronto, Ontario

Dear Mr. Attorney:

Following meetings between yourself and members of your Ministry with the Chairman of the Legal Aid Committee, when budget reduction for the fiscal year of the Legal Aid Plan 1976-77 was discussed, Convocation on March 19th, 1976 passed the following resolution as a part of the Legal Aid Committee's report:

"1. The Law Society should advise the Attorney General that we are prepared to assist in implementing the Government's decision to control the cost of legal aid.

2. Administrative costs will be closely monitored by The Law Society in order that opportunities for cost saving will be recognized and acted upon including the supervision of all persons participating in the delivery of services.

3. Since administrative measures will not themselves accomplish the financial result required by the Government it will be necessary to consider additional legislative measures of a policy nature limiting or eliminating some services now provided. The Law Society will report as to the various alternatives available to Government to accomplish further savings in that regard."

Following this resolution the Legal Aid Committee has held meetings with various groups including members of the judiciary of the Supreme, County and Provincial Courts, representatives of your Ministry and of the Federal Department of Justice, local Area Directors, Criminal Lawyers' Association, Family Law Section of the Ontario Branch of The Canadian Bar Association and others. The result of these discussions has been the enclosed report which indicates areas within the Legal Aid Plan where cost could be reduced. Where possible, an approximate dollar saving is indicated. For obvious reasons these estimates cannot be made with precision.

I want to emphasize that these possible ways of saving cost are not made by way of recommendation by the Legal Aid Committee nor by the Law Society since to do so would take us beyond our proper administrative function. Were it not for the present economic circumstances the Society would be pointing out that the services which the Plan now provides should be expanded rather than contracted. We are, however, aware of the financial strictures which your Ministry now faces. The Society, as Administrator of the Plan, will look forward to receiving instructions when the Government's policy has been decided with respect to the changes that are considered necessary in the Legal Aid Plan to keep it within the Government's present financial limits.

It is, of course, obvious to you that no matter how promptly or efficiently cost saving action is taken, its fiscal effect cannot be felt for many months.

The Treasurer, the Chairman of the Legal Aid Committee and others involved with the administration of the Legal Aid Plan would welcome discussion with you and members of your Ministry at any time.

Yours very truly,

"Kenneth Jarvis"

Kenneth Jarvis
Secretary

KJ/c
Encl.

PROFESSIONAL CONDUCT COMMITTEE–Mr. Cooper

Mr. B. H. Kellock, Vice-Chairman, presented the Report of the Professional Conduct Committee of its meeting on 9th April, 1976.

The following members were present: Messrs. Cooper (Chairman), Kellock (Vice-Chairman), Brulé, Carnwath, Carthy, Cartwright, Cass, Farquharson, Furlong, W. G. Gray, Henderson, Lochead, Ogilvie, Shepherd, Shibley, Mesdames Sutherland and Tait, Messrs. Tobias and Willoughby.

1. The Committee's attention was drawn to a lawyer's letterhead that bears on the bottom "Office and Professional Employees International Union–Local 343". This legend also appears on the letterhead of at least one other law firm. The Society has been given to understand that the use of the legend is required under the terms of the collective agreement between the union and the law firms concerned. The relevant paragraph of the collective agreement reads as follows:

> "All typewritten, mimeographed, ditto'd work in the office of the Employer will bear the 'Local 343, Office and Professional Employees International Union' label if such work was performed by a member of the Union, provided such label shall not be attached to official court documents nor any commercial documents."

The Committee was of the opinion that the use of this legend exceeds the provisions of Ruling 10, paragraph 4 and was not prepared to authorize an exception under paragraph 7 of that Ruling. The Committee also felt that the provisions of Ruling 3 may be offended in that the law firms could be considered as soliciting business from organized labour.

2. It was moved, seconded and *carried* in Convocation that this item be deleted, the Secretary to write the correspondent.

THE REPORT AS AMENDED WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE–Mr. Seagram

Mr. C. J. Seagram, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on 8th April, 1976.

The following members were present: Messrs. Seagram (Chairman), Salhany, Shibley and Mrs. Tait, and Miss A. R. McCormick.

GREAT LIBRARY

AMERICAN ASSOCIATION OF LAW LIBRARIES —ANNUAL CONVENTION

The Committee recommended that approval be given for the Chief Librarian and one other librarian to attend the Annual Convention of the American Association of Law Libraries in Boston, Massachusetts, June 20 - June 24, 1976.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1975. The amounts of the grants to which they are entitled under the Regulations in 1975 and 1976 are as follows:

	1975	*1976*
Cochrane	$1,770.00	$1,612.50
Dufferin	750.00	781.67
Halton	2,000.00	2,000.00
Hamilton	2,000.00	2,000.00
Lanark	1,145.00	1,075.00
York	3,500.00	3,500.00

Approved subject to the approval of the Finance Committee.

ADJUSTMENT IN ANNUAL GRANT

Approval was requested for an adjustment of $295 with respect to the 1975 grant to Peel County Law Association.

REPORTING

MINUTES OF CONVOCATION

The Committee recommended that the reporting of Minutes of Convocation be discontinued, provided an alternative and more expeditious method of publication be arranged.

It was moved and seconded in Convocation that subject to any existing contract with Canada Law Book the Minutes of Convocation no longer be printed in the Ontario Reports but printed and distributed by the Society directly to its members.

Not put

It was moved and seconded in Convocation that the item respecting Minutes of Convocation be amended by deleting the word *"abolished"* and all that follows it and substituting the words *"discontinued, provided an alternative and more expeditious method be arranged"*.

Carried

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Committee recommended that the Canadian Environmental Law Association's request for permission to reprint catch lines and/or footnotes from the Ontario Reports from time to time with suitable acknowledgment be approved, subject to the Association assuming the obligation to advise the Law Society of the particular use and subject to the right of withdrawal of this approval by the Law Society.

. . . . .

Mr. Cartwright was not present, took no part in the discussion and did not vote.

. . . . .

THE REPORT AS AMENDED WAS ADOPTED

MOTION–MINUTES OF CONVOCATION

It was moved, seconded and *carried* that the Minutes of Convocation be published in edited form before being returned to Convocation for confirmation.

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Fennell

Mr. J. G. M. White, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th April, 1977.

The following members were present: Messrs. White (Vice-Chairman), Carnwath, Furlong, Mrs. Legge, and Mr. Ogilvie.

1. The Committee considered an opinion from counsel concerning various complaints that a disbarred solicitor was contravening Section 50 of The Law Society Act. The Secretary was instructed to have counsel proceed to prosecute this former member for unauthorized practice.

2. The Committee considered a letter from the Ministry of Consumer and Commercial Relations concerning a company. The Secretary was instructed to investigate this company to find out the principals and the law students, if any, who are employed by the company and the matters of a legal nature that are being done by them in contravention of Section 50 of The Law Society Act.

3. The Committee referred a form letter, signed by four Osgoode Hall Law School students to the professor in charge of student

legal aid services at the law school, so that he may review the contents of the form letter and advise the Committee what type of services the students perform for their clients. The Secretary was instructed to send a copy of the form letter to the Legal Aid Committee for its consideration.

4. The Committee considered a letter from the Chairman concerning the investigation of an individual offering "personal services". The Secretary was instructed to write counsel for the Law Society and instruct him to carry out a further investigation at the various court offices.

5. The Committee considered a letter from His Honour Judge Cornish concerning a divorce service company and instructed the Secretary to contact the petitioner in the action to see if he is complaining about that agency.

6. The Committee considered a letter from a solicitor concerning three divorce services and an incorporation agency which advertised in various newspapers. The Secretary was instructed to write to the solicitor informing him that the various matters he complained about were being investigated by the Committee.

7. The Committee considered the matter of extending the limitation period under the Summary Convictions Act from 6 months to 12 months because of the difficulty in obtaining evidence within the 6-month period. The Committee recommended to Convocation that approval be sought from the Attorney General to amend the Summary Convictions Act so that for prosecutions under Section 50 of The Law Society Act, the limitation period would be 12 months instead of 6 months.

. . . . .

Mr. O'Brien was not present during the discussion of item 1 and did not vote.

. . . . .

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON CONTINGENT FEES

Mr. S. E. Fennell, Chairman, presented the Report of the Special Committee on Contingent Fees dated 23rd April, 1977.

The Special Committee met on September 10, 1975, on several occasions since then, and on February 12, 1976 with the Attorney

General, The Honourable R. Roy McMurtry, at his office. The Special Committee was appointed at Convocation on June 20, 1975 and directed to consider the question of contingent fees in Ontario and to report and make recommendations to Convocation. The Special Committee consisted of P. G. Furlong, W. G. Gray, W. D. Griffiths (until his appointment to the Bench), A. M. Linden and S. E. Fennell as Chairman.

The Solicitor's Act, R.S.O. 1970, Chapter 441, Section 30, provides as follows:

> "30. Nothing in sections 18 and 35 gives validity to a purchase by a solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained, or gives validity to an agreement by which a solicitor retained or employed to prosecute an action or proceeding stipulates for payment only in the event of success in the action or proceeding, or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding."

This section has been interpreted as a prohibition against charging fees on a contingent basis in Ontario. If a system of contingent fees is to be permitted in Ontario, even in a restricted form, it would be necessary to procure enabling legislation.

Immediately after the announcement of the Special Committee's appointment, considerable correspondence was received, particularly by the Treasurer, regarding the consideration of this matter and the appointment of a committee.

The correspondence was predominantly opposed to any change in the legislation in Ontario; only four letters appear to favour even a consideration of change. Among the communications were:

(1) from the Ontario Medical Association indicating that it had strong feelings about the practice and would welcome an opportunity of presenting its views;

(2) from the Institute of Chartered Accountants asking for the privilege of making submissions with regard to the matter;

(3) from the Ontario Hospital Association asking for the privilege of submitting submissions. Subsequently, at its Annual Meeting, the Ontario Hospital Association passed a resolution, a copy of which was forwarded to the Chairman of this Committee on October 31, 1975, as follows:–

> "WHEREAS there is a correlation between higher awards in medical malpractice lawsuits and high medical malpractice insurance premiums, and

> WHEREAS there is a Special Committee of the Law Society of Upper Canada that is charged with looking into the matter of contingency fees for lawyers in Ontario, and
>
> WHEREAS an argument might be made that the contingency fee is necessary to allow an impoverished litigant to have his case tried, this is not the situation in Ontario—where the comprehensive Legal Aid Act provides legal assistance for these litigants, and
>
> WHEREAS the introduction of contingency fees will not bring about additional improvements in the quality of health care provided citizens of Ontario;
>
> THEREFORE BE IT RESOLVED that the Ontario Hospital Association make representation to the Attorney General for Ontario, the Law Society of Upper Canada, and other bodies that it considers appropriate, opposing any change in the law which would allow contingency fees in legal actions in Ontario."

(4) from Dr. Bette M. Stephenson, who was then the President of the Canadian Medical Association, to the Treasurer expressing strongly her views that the present prohibition against contingency fees should not be changed. Dr. Stephenson is now the Ontario Minister of Labour and acting Minister of Health;

(5) many verbal communications, most of them expressing very definite views in strong language.

At the first meeting of this Committee, inquiry was made as to the matters which prompted the appointment of the Special Committee. It was informed that some time before the appointment of the Committee, an inquiry had been made at the office of the Law Society from the Office of the Attorney General, asking the Law Society's views about the use of contingency fees in Ontario. The request for this information appeared to be, at least, one of the dominant factors which prompted the appointment of this Committee. It was somewhat surprising to notice, shortly after the announcement of the appointment of the Committee, that a Toronto newspaper quoted the then Attorney General, John Clement, as stating that he was opposed to letting Ontario lawyers share in awards their clients won in court actions.

Since the appointment of this Committee, the subject of contingency fees has been the matter of considerable discussion, not only among the members of this profession but also in the news media and elsewhere. It has been the subject of a panel discussion at a meeting of the Advocates' Society and a further panel discussion at the meeting of the Ontario Branch of the Canadian Bar Association in Windsor this year.

The present Attorney General, The Honourable R. Roy McMurtry, in the Committee's discussion with him, indicated, as he had previously done in a newspaper, that he was personally opposed to any change in the present legislation. However, he qualified his remarks by saying that if persuasive arguments were brought before him, which indicated he had a duty as Attorney General to make some change, he would not completely rule out the possibility that in such circumstances, some change might be made. He also indicated that he thought that the matter did not have a very high priority.

In the light of these circumstances, the Committee was of the opinion that it is not appropriate at this time to pursue an in-depth study of this problem. Such a study might well result in public hearings, with submissions from interested people and groups. While the Committee had considerable material which would indicate that the use of contingency fees is almost universally permitted in the United States of America, and limited use is permitted in six of the jurisdictions of Canada, it had not made an extensive study of the matter, and it did not express any opinion on the matter at this time.

The Special Committee recommended that the consideration of the question of contingent fees in Ontario should not be proceeded with at this time.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. Carthy presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on 9th April, 1976.

The following members were present: Messrs. Shepherd (in the Chair), Cass and W. G. Gray.

APPLICATIONS

The Committee considered two applications for grants, one from a solicitor and the other from the wife of a disbarred solicitor.

The Committee approved both grants and instructed that further information be obtained respecting the financial affairs of each of the applicants.

THE REPORT WAS ADOPTED

APPOINTMENT OF REPRESENTATIVE TO THE BOARD OF TRUSTEES OF THE LAW FOUNDATION OF ONTARIO

It was moved, seconded and *carried* that Mr. *Stuart Thom* be appointed as one of the Society's representatives on the Board of Trustees of The Law Foundation of Ontario to fill the vacancy caused by the resignation of The Honourable Mr. Justice S. L. Robins.

CONVOCATION ROSE AT 4:40 P.M.

Read in Convocation and confirmed 21st May, 1976.

STUART THOM	W. GIBSON GRAY
Treasurer at the April Convocation	Treasurer

LSUC Great Library
1 1797 00043595 6